

AMENDED IN SENATE SEPTEMBER 4, 2013

AMENDED IN SENATE JULY 3, 2013

AMENDED IN SENATE JUNE 17, 2013

AMENDED IN ASSEMBLY MAY 24, 2013

AMENDED IN ASSEMBLY APRIL 24, 2013

AMENDED IN ASSEMBLY APRIL 17, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 484**

**Introduced by Assembly Member Bonilla**

*(Coauthor: Senator Steinberg)*

February 19, 2013

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An act to amend Sections 52052, 60601, ~~60602~~, 60603, 60604, 60607, 60610, 60611, 60612, ~~60614~~, 60630, 60640, ~~60640.2~~, 60641, ~~60642.5~~, 60643, 60648, 99300, and 99301 of, to amend the heading of Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 of Division 4 of Title 2 of, *to amend and repeal Section 60602 of*, to add Sections 60602.5, ~~60640.3~~, 60642.6, ~~60642.7~~, ~~60642.8~~, 60643.6, and 60648.5 to, to repeal Sections 60605.5, 60606, 60643.1, 60643.5, and 60645 of, and to repeal, add, and repeal Section 60649 of, the Education Code, relating to pupil assessments, ~~and declaring the urgency thereof, to take effect immediately.~~ *assessments.*

### LEGISLATIVE COUNSEL'S DIGEST

AB 484, as amended, Bonilla. Pupil assessments: ~~California Measurement of Academic Performance and Progress for the 21st Century (CalMAPP21): (MAPP).~~

~~(1) Existing~~

*Existing law requires the Superintendent of Public Instruction, with the approval of the State Board of Education, to develop an Academic Performance Index (API) to measure the performance of schools and school districts, especially the academic performance of pupils.*

Existing law, the Leroy Greene California Assessment of Academic Achievement Act, requires the Superintendent of Public Instruction to design and implement a statewide pupil assessment program, and requires school districts, charter schools, and county offices of education to administer to each of its pupils in grades 2 to 11, inclusive, certain achievement tests, including a standards-based achievement test pursuant to the Standardized Testing and Reporting (STAR) Program and the California Standards Tests. Existing law makes the Leroy Greene California Assessment of Academic Achievement Act inoperative on July 1, 2014, and repeals it on January 1, 2015.

Existing federal law, the No Child Left Behind Act of 2001, contains provisions generally requiring states to adopt performance goals for their public elementary and secondary schools, and to demonstrate that these public schools are making adequate yearly progress, as measured by pupil performance on standardized tests as well as other measures, to satisfy those goals.

*Existing law requires the Superintendent, with approval of the state board, to develop the California Standards Tests, to measure the degree to which pupils are achieving academically rigorous content standards and performance standards, as provided.*

Existing law, the Early Assessment Program, establishes a collaborative effort, headed by the California State University, to enable pupils to learn about their readiness for college-level English and mathematics before their senior year of high school.

~~This bill would revise and recast numerous statutes relating to pupil assessment. The bill would establish the California Measurement of Academic Performance and Progress for the 21st Century (CalMAPP21), which would succeed the STAR Program, and specify procedures and policies for CalMAPP21. These provisions would become inoperative on July 1, 2024, and would be repealed on January 1, 2025, except for a specified reporting provision, which would become inoperative and be repealed one year later.~~

~~This bill would provide that, notwithstanding any other laws, commencing with the 2013-14 school year, the administration of assessments required as part of the STAR Program would be suspended,~~

~~except for those assessments in the core subjects necessary to satisfy the adequate yearly progress requirements of the federal No Child Left Behind Act of 2001 in grades 3 to 8, inclusive, and grade 10, and those assessments augmented for use as part of the Early Assessment Program in grade 11, until new assessments addressing the common core state standards are developed and implemented.~~

*This bill would, for the 2013–14 and 2014–15 school years, upon approval of the state board, authorize the Superintendent to not provide an API score to a school or school district due to a determination by the Superintendent that a transition to new standards-based assessments would compromise comparability of results across schools or school districts.*

*The bill would extend the duration of the provisions of the Leroy Greene California Assessment of Academic Achievement Act by 6 years so that they would become inoperative on July 1, 2020, and be repealed on January 1, 2021.*

*The bill would delete the provisions establishing the STAR Program, and instead establish the Measurement of Academic Performance and Progress (MAPP), commencing with the 2013–14 school year, for the assessment of certain elementary and secondary pupils. The bill would specify that the MAPP would be composed of: a consortium summative assessment in English language arts and mathematics for grades 3 to 8, inclusive, and grade 11, as specified; science grade level assessments in grades 5, 8, and 10, measuring specified content standards; the California Alternate Performance Assessment in grades 2 to 11, inclusive, in English language arts and mathematics and science in grades 5, 8, and 10, as specified; and the Early Assessment Program. The bill would specify numerous policies and procedures with respect to the development and the implementation of the MAPP by the Superintendent, the state board, and affected local educational agencies.*

*This bill would, commencing with the 2014–15 school year and for purposes of the Early Assessment Program, authorize the replacement of the California Standards Test and the augmented California Standards Tests in English language arts and mathematics with the grade 11 consortium computer-adaptive assessments in English language arts and mathematics, as provided.*

*This bill would incorporate additional changes in Section 99301 of the Education Code, proposed by SB 490, to be operative only if SB 490 and this bill are chaptered and become effective on or before January 1, 2014, and this bill is chaptered last.*

This bill would make conforming and other related changes and nonsubstantive changes.

~~(2) This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote:  $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 52052 of the Education Code is amended  
2     to read:

3     52052. (a) (1) The Superintendent, with approval of the state  
4     board, shall develop an Academic Performance Index (API), to  
5     measure the performance of schools and school districts, especially  
6     the academic performance of pupils.

7     (2) A school or school district shall demonstrate comparable  
8     improvement in academic achievement as measured by the API  
9     by all numerically significant pupil subgroups at the school or  
10    school district, including:

11    (A) Ethnic subgroups.

12    (B) Socioeconomically disadvantaged pupils.

13    (C) English learners.

14    (D) Pupils with disabilities.

15    (E) Foster youth.

16    (3) (A) For purposes of this section, a numerically significant  
17    pupil subgroup is one that consists of at least 30 pupils, each of  
18    whom has a valid test score.

19    (B) Notwithstanding subparagraph (A), for a subgroup of pupils  
20    who are foster youth, a numerically significant pupil subgroup is  
21    one that consists of at least 15 pupils.

22    (C) For a school or school district with an API score that is  
23    based on no fewer than 11 and no more than 99 pupils with valid  
24    test scores, numerically significant pupil subgroups shall be defined  
25    by the Superintendent, with approval by the state board.

26    (4) (A) The API shall consist of a variety of indicators currently  
27    reported to the department, including, but not limited to, the results  
28    of the achievement test administered pursuant to Section 60640,  
29    attendance rates for pupils in elementary schools, middle schools,  
30    and secondary schools, and the graduation rates for pupils in  
31    secondary schools.

1 (B) The Superintendent, with the approval of the state board,  
2 may also incorporate into the API the rates at which pupils  
3 successfully promote from one grade to the next in middle school  
4 and high school, and successfully matriculate from middle school  
5 to high school.

6 (C) Graduation rates for pupils in secondary schools shall be  
7 calculated for the API as follows:

8 (i) Four-year graduation rates shall be calculated by taking the  
9 number of pupils who graduated on time for the current school  
10 year, which is considered to be three school years after the pupils  
11 entered grade 9 for the first time, and dividing that number by the  
12 total calculated in clause (ii).

13 (ii) The number of pupils entering grade 9 for the first time in  
14 the school year three school years before the current school year,  
15 plus the number of pupils who transferred into the class graduating  
16 at the end of the current school year between the school year that  
17 was three school years before the current school year and the date  
18 of graduation, less the number of pupils who transferred out of the  
19 school between the school year that was three school years before  
20 the current school year and the date of graduation who were  
21 members of the class that is graduating at the end of the current  
22 school year.

23 (iii) Five-year graduation rates shall be calculated by taking the  
24 number of pupils who graduated on time for the current school  
25 year, which is considered to be four school years after the pupils  
26 entered grade 9 for the first time, and dividing that number by the  
27 total calculated in clause (iv).

28 (iv) The number of pupils entering grade 9 for the first time in  
29 the school year four years before the current school year, plus the  
30 number of pupils who transferred into the class graduating at the  
31 end of the current school year between the school year that was  
32 four school years before the current school year and the date of  
33 graduation, less the number of pupils who transferred out of the  
34 school between the school year that was four years before the  
35 current school year and the date of graduation who were members  
36 of the class that is graduating at the end of the current school year.

37 (v) Six-year graduation rates shall be calculated by taking the  
38 number of pupils who graduated on time for the current school  
39 year, which is considered to be five school years after the pupils

1 entered grade 9 for the first time, and dividing that number by the  
2 total calculated in clause (vi).

3 (vi) The number of pupils entering grade 9 for the first time in  
4 the school year five years before the current school year, plus the  
5 number of pupils who transferred into the class graduating at the  
6 end of the current school year between the school year that was  
7 five school years before the current school year and the date of  
8 graduation, less the number of pupils who transferred out of the  
9 school between the school year that was five years before the  
10 current school year and the date of graduation who were members  
11 of the class that is graduating at the end of the current school year.

12 (D) The inclusion of five- and six-year graduation rates for  
13 pupils in secondary schools shall meet the following requirements:

14 (i) Schools *and school districts* shall be granted one-half the  
15 credit in their API scores for graduating pupils in five years that  
16 they are granted for graduating pupils in four years.

17 (ii) Schools and school districts shall be granted one-quarter the  
18 credit in their API scores for graduating pupils in six years that  
19 they are granted for graduating pupils in four years.

20 (iii) Notwithstanding clauses (i) and (ii), schools and school  
21 districts shall be granted full credit in their API scores for  
22 graduating in five or six years a pupil with disabilities who  
23 graduates in accordance with his or her individualized education  
24 program.

25 (E) The pupil data collected for the API that comes from the  
26 achievement test administered pursuant to Section 60640 and the  
27 high school exit examination administered pursuant to Section  
28 60851, when fully implemented, shall be disaggregated by special  
29 education status, English learners, socioeconomic status, gender,  
30 and ethnic group. Only the test scores of pupils who were counted  
31 as part of the enrollment in the annual data collection of the  
32 California Basic Educational Data System for the current fiscal  
33 year and who were continuously enrolled during that year may be  
34 included in the test result reports in the API score of the school.

35 (F) (i) Commencing with the baseline API calculation in 2016,  
36 and for each year thereafter, results of the achievement test and  
37 other tests specified in subdivision (b) shall constitute no more  
38 than 60 percent of the value of the index for secondary schools.

39 (ii) In addition to the elements required by this paragraph, the  
40 Superintendent, with approval of the state board, may incorporate

1 into the index for secondary schools valid, reliable, and stable  
2 measures of pupil preparedness for postsecondary education and  
3 career.

4 (G) Results of the achievement test and other tests specified in  
5 subdivision (b) shall constitute at least 60 percent of the value of  
6 the index for primary schools and middle schools.

7 (H) It is the intent of the Legislature that the state's system of  
8 public school accountability be more closely aligned with both the  
9 public's expectations for public education and the workforce needs  
10 of the state's economy. It is therefore necessary that the  
11 accountability system evolve beyond its narrow focus on pupil test  
12 scores to encompass other valuable information about school  
13 performance, including, but not limited to, pupil preparedness for  
14 college and career, as well as the high school graduation rates  
15 already required by law.

16 (I) The Superintendent shall annually determine the accuracy  
17 of the graduation rate data. Notwithstanding any other law,  
18 graduation rates for pupils in dropout recovery high schools shall  
19 not be included in the API. For purposes of this subparagraph,  
20 "dropout recovery high school" means a high school in which 50  
21 percent or more of its pupils have been designated as dropouts  
22 pursuant to the exit/withdrawal codes developed by the department  
23 or left a school and were not otherwise enrolled in a school for a  
24 period of at least 180 days.

25 (J) To complement the API, the Superintendent, with the  
26 approval of the state board, may develop and implement a program  
27 of school quality review that features locally convened panels to  
28 visit schools, observe teachers, interview pupils, and examine pupil  
29 work, if an appropriation for this purpose is made in the annual  
30 Budget Act.

31 (K) The Superintendent shall annually provide to local  
32 educational agencies and the public a transparent and  
33 understandable explanation of the individual components of the  
34 API and their relative values within the API.

35 (L) An additional element chosen by the Superintendent and  
36 the state board for inclusion in the API pursuant to this paragraph  
37 shall not be incorporated into the API until at least one full school  
38 year after the state board's decision to include the element into the  
39 API.

(b) Pupil scores from the following tests, when available and when found to be valid and reliable for this purpose, shall be incorporated into the API:

(1) The standards-based achievement tests provided for in Section 60642.5.

(2) The high school exit examination.

(c) Based on the API, the Superintendent shall develop, and the state board shall adopt, expected annual percentage growth targets for all schools based on their API baseline score from the previous year. Schools are expected to meet these growth targets through effective allocation of available resources. For schools below the statewide API performance target adopted by the state board pursuant to subdivision (d), the minimum annual percentage growth target shall be 5 percent of the difference between the actual API score of a school and the statewide API performance target, or one API point, whichever is greater. Schools at or above the statewide API performance target shall have, as their growth target, maintenance of their API score above the statewide API performance target. However, the state board may set differential growth targets based on grade level of instruction and may set higher growth targets for the lowest performing schools because they have the greatest room for improvement. To meet its growth target, a school shall demonstrate that the annual growth in its API is equal to or more than its schoolwide annual percentage growth target and that all numerically significant pupil subgroups, as defined in subdivision (a), are making comparable improvement.

(d) Upon adoption of state performance standards by the state board, the Superintendent shall recommend, and the state board shall adopt, a statewide API performance target that includes consideration of performance standards and represents the proficiency level required to meet the state performance target.

(e) (1) A school or school district with 11 to 99 pupils with valid test scores shall receive an API score with an asterisk that indicates less statistical certainty than API scores based on 100 or more test scores.

(2) A school or school district annually shall receive an API score, unless the Superintendent determines that an API score would be an invalid measure of the performance of the school or school district for one or more of the following reasons:

(A) Irregularities in testing procedures occurred.



1 (B) The data used to calculate the API score of the school or  
2 school district are not representative of the pupil population at the  
3 school or school district.

4 (C) Significant demographic changes in the pupil population  
5 render year-to-year comparisons of pupil performance invalid.

6 (D) The department discovers or receives information indicating  
7 that the integrity of the API score has been compromised.

8 (E) Insufficient pupil participation in the assessments included  
9 in the API.

10 (F) *A transition to new standards-based assessments*  
11 *compromises comparability of results across schools or school*  
12 *districts. The Superintendent may use the authority in this*  
13 *subparagraph in the 2013–14 and 2014–15 school years only,*  
14 *with approval of the state board.*

15 (3) If a school or school district has fewer than 100 pupils with  
16 valid test scores, the calculation of the API or adequate yearly  
17 progress pursuant to the federal No Child Left Behind Act of 2001  
18 (20 U.S.C. Sec. 6301 et seq.) and federal regulations may be  
19 calculated over more than one annual administration of the tests  
20 administered pursuant to Section 60640 and the high school exit  
21 examination administered pursuant to Section 60851, consistent  
22 with regulations adopted by the state board.

23 (4) *For entities that do not have an API calculated pursuant to*  
24 *subparagraph (F) of paragraph (2), the most recent API*  
25 *calculation, or an average of the three most recent annual API*  
26 *calculations, whichever is greater, shall be used to satisfy statutory*  
27 *requirements requiring an API calculation. For entities that do*  
28 *not have a prior API calculation, other information on academic*  
29 *performance shall be used to satisfy statutory requirements*  
30 *necessitating an API calculation.*

31 (f) Only schools with 100 or more test scores contributing to  
32 the API may be included in the API rankings.

33 (g) The Superintendent, with the approval of the state board,  
34 shall develop an alternative accountability system for schools under  
35 the jurisdiction of a county board of education or a county  
36 superintendent of schools, community day schools, nonpublic,  
37 nonsectarian schools pursuant to Section 56366, and alternative  
38 schools serving high-risk pupils, including continuation high  
39 schools and opportunity schools. Schools in the alternative

1 accountability system may receive an API score, but shall not be  
2 included in the API rankings.

3 (h) For purposes of this section, county offices of education  
4 shall be considered school districts.

5 *SEC. 2. Section 60601 of the Education Code is amended to*  
6 *read:*

7 60601. This chapter shall become inoperative on July 1, ~~2014,~~  
8 2020, and as of January 1, ~~2015,~~ 2021, is repealed, unless a later  
9 enacted statute that is enacted before January 1, ~~2015,~~ 2021, deletes  
10 or extends the dates on which it becomes inoperative and is  
11 repealed.

12 *SEC. 3. Section 60602 of the Education Code is amended to*  
13 *read:*

14 60602. (a) It is the intent of the Legislature in enacting this  
15 chapter to provide a system of individual assessment of pupils that  
16 has the primary purpose of assisting teachers, administrators,  
17 ~~pupils, and pupils~~ and their ~~parents, parents~~ to improve teaching  
18 and learning. In order to accomplish these goals, the Legislature  
19 finds and declares that California should adopt a coordinated and  
20 consolidated testing program to do all of the following:

21 (1) First and foremost, provide information on the academic  
22 status and progress of individual pupils to those pupils, their  
23 parents, and their teachers. This information should be designed  
24 to assist in the improvement of teaching and learning in California  
25 public classrooms. The Legislature recognizes that, in addition to  
26 statewide assessments that will occur as specified in this chapter,  
27 school districts will conduct additional ongoing pupil diagnostic  
28 assessment and provide information regarding pupil performance  
29 based on those assessments on a regular basis to parents or  
30 guardians and schools. The Legislature further recognizes that  
31 local diagnostic assessment is a primary mechanism through which  
32 academic strengths and weaknesses are identified.

33 (2) Develop and adopt a set of statewide academically rigorous  
34 content standards and performance standards in all major subject  
35 areas to serve as the basis for assessing the academic achievement  
36 of individual pupils, as well as for schools, school districts, and  
37 for the California education system as a whole. The performance  
38 standards shall be designed to lead to specific grade level  
39 benchmarks of academic achievement for each subject area tested  
40 within each grade-level ~~level~~, and shall be based on the knowledge

1 and skills that pupils will need in order to succeed in the  
2 information-based, global economy of the 21st century.

3 (3) Ensure that all assessment procedures, items, instruments,  
4 and scoring systems are independently reviewed to ensure that  
5 they meet high standards of statistical reliability and ~~validity~~  
6 *validity*, and that they do not use procedures, items, instruments,  
7 or scoring practices that are racially, culturally, or gender biased.

8 (4) Provide information to pupils, parents or guardians, teachers,  
9 schools, and school districts on a timely basis so that the  
10 information can be used to further the development of the pupil  
11 and to improve the educational program.

12 (5) Develop assessments that are comparable to the National  
13 Assessment of Educational Progress and other national and  
14 international assessment efforts, so that California's local and state  
15 test results are reported in a manner that corresponds to the national  
16 test results. Test results should be reported in terms describing a  
17 pupil's academic performance in relation to the statewide  
18 academically rigorous content and performance standards adopted  
19 by the ~~State Board of Education~~ *state board* and in terms of  
20 employment skills possessed by the pupil, in addition to being  
21 reported as numerical or percentile scores.

22 (6) Assess pupils for a broad range of academic skills and  
23 knowledge including both basic academic skills and the ability of  
24 pupils to apply those skills.

25 (7) Include an appropriate balance of types of assessment  
26 instruments, including, but not limited to, multiple choice  
27 questions, short answer questions, and assessments of applied  
28 academic skills.

29 (8) Minimize the amount of instructional time devoted to  
30 assessments administered pursuant to this chapter.

31 (b) It is the intent of the Legislature, pursuant to this article, to  
32 begin a planning and implementation process to enable the  
33 ~~Superintendent of Public Instruction~~ to accomplish the goals set  
34 forth in this section as soon as feasible.

35 (c) It is the intent of the Legislature that parents, classroom  
36 teachers, other educators, governing board members of school  
37 districts, and the public be involved, in an active and ongoing basis,  
38 in the design and implementation of the statewide pupil assessment  
39 program and the development of assessment instruments.

(d) It is the intent of the Legislature, insofar as is practically feasible and following the completion of annual testing, that the content, test structure, and test items in the assessments that are part of the Standardized Testing and Reporting Program become open and transparent to teachers, parents, and pupils, to assist all the stakeholders in working together to demonstrate improvement in pupil academic achievement. A planned change in annual test content, format, or design; should be made available to educators and the public well before the beginning of the school year in which the change will be implemented.

(e) It is the intent of the Legislature that the results of the California Standards Tests be available for use, after appropriate validation, academic credit, or placement and admissions processes, or both, at postsecondary educational institutions.

*(f) This section shall become inoperative on July 1, 2014, and, as of January 1, 2015, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2015, deletes or extends the dates on which it becomes inoperative and is repealed.*

SEC. 4. Section 60602.5 is added to the Education Code, to read:

60602.5. (a) *It is the intent of the Legislature in enacting this chapter to provide a system of assessments of pupils that has the primary purposes of assisting teachers, administrators, and pupils and their parents; improving teaching and learning; and promoting high-quality teaching and learning using a variety of assessment approaches and item types. The assessments, where applicable and valid, will produce scores that can be aggregated and disaggregated for the purpose of holding schools and local educational agencies accountable for the achievement of all their pupils in learning the California academic content standards. The system includes assessments or assessment tools for multiple grade levels that cover the full breadth and depth of the curriculum and promote the teaching of the full curriculum. In order to accomplish these goals, the Legislature finds and declares that California should adopt a coordinated and consolidated testing system to do all of the following:*

*(1) Develop and adopt a set of statewide academically rigorous content standards in all major subject areas to serve as the basis for modeling and promoting high-quality teaching and learning activities across the entire curriculum and assessing the academic*

1 *achievement of pupils, as well as for schools, school districts, and*  
2 *for the California education system as a whole. Exclusive of those*  
3 *assessments established by a multistate consortium, produce*  
4 *performance standards to be adopted by the state board designed*  
5 *to lead to specific grade level benchmarks of academic achievement*  
6 *for each subject area tested within each grade level based on the*  
7 *knowledge, skills, and processes that pupils will need in order to*  
8 *succeed in the information-based, global economy of the 21st*  
9 *century.*

10 (2) *Provide information and resources to schools and local*  
11 *educational agencies to assist with the selection of local benchmark*  
12 *assessments, diagnostic assessments, and formative tools aligned*  
13 *with the state-adopted California academic content standards.*  
14 *The Legislature recognizes the importance of local tools and*  
15 *assessments used by schools and local educational agencies to*  
16 *monitor pupil achievement and to identify individual pupil strengths*  
17 *and weaknesses. The Legislature further recognizes the role the*  
18 *state may play in leveraging resources to provide schools and*  
19 *local educational agencies with information and tools for use at*  
20 *their discretion.*

21 (3) *Ensure that all assessment procedures, items, instruments,*  
22 *scoring systems, and results meet high standards of statistical*  
23 *reliability and validity, and that they do not use procedures, items,*  
24 *instruments, or scoring practices that are racially, culturally,*  
25 *socioeconomically, or gender biased.*

26 (4) *Provide information to pupils, parents and guardians,*  
27 *teachers, schools, and local educational agencies on a timely basis*  
28 *so the information can be used to further the development of the*  
29 *pupil or to improve the educational program. The Legislature*  
30 *recognizes that the majority of the assessments in the system will*  
31 *generate individual pupil scores that will provide information on*  
32 *pupil achievement to pupils, their parents or guardians, teachers,*  
33 *schools, and local educational agencies. The Legislature further*  
34 *recognizes that some assessments in the system may solely generate*  
35 *results at the school, school district, county, or state level for*  
36 *purposes of improving the education program and promoting the*  
37 *teaching and learning of the full curriculum.*

38 (5) *When administered as a census administration, results*  
39 *should be reported in terms describing a pupil's academic*  
40 *performance in relation to the statewide academically rigorous*

1 content and performance standards and in terms of college and  
2 career readiness skills possessed by the pupil, in addition to being  
3 reported as a numerical. When appropriate, the reports should  
4 include a measure of growth that describes a pupil's current status  
5 in relation to past performance.

6 (6) Where feasible, administer assessments via technology to  
7 enhance the assessment of challenging content using innovative  
8 item types and to facilitate expedited scoring.

9 (7) Minimize the amount of instructional time devoted to  
10 assessments administered pursuant to this chapter. It is the intent  
11 of the Legislature that any redundancies in statewide testing be  
12 eliminated as soon as is feasible.

13 (b) It is the intent of the Legislature, pursuant to this article, to  
14 initiate planning for the implementation process to enable the  
15 Superintendent to accomplish the goals set forth in this section as  
16 soon as feasible.

17 (c) It is the intent of the Legislature that parents, classroom  
18 teachers, other educators, pupil representatives, institutions of  
19 higher education, business community members, and the public  
20 be involved, in an active and ongoing basis, in the design and  
21 implementation of the statewide pupil assessment system and the  
22 development of assessment instruments. The Legislature recognizes  
23 the important role that these stakeholders play in the success of  
24 the statewide pupil assessment system and the importance of  
25 providing them with information and resources about the new  
26 statewide system including the goals and appropriate uses of the  
27 system.

28 (d) It is the intent of the Legislature, insofar as is practically  
29 and fiscally feasible and following the completion of annual testing,  
30 that the content, test structure, and test items in the assessments  
31 that are part of the statewide pupil assessment system become  
32 open and transparent to teachers, parents, and pupils, to assist  
33 stakeholders in working together to demonstrate improvement in  
34 pupil academic achievement. A planned change in annual test  
35 content, format, or design should be made available to educators  
36 and the public well before the beginning of the school year in  
37 which the change will be implemented.

38 (e) It is the intent of the Legislature that the results of the  
39 statewide pupil assessments be available for use, after appropriate

1 *validation, for academic credit, or placement and admissions*  
2 *processes, or both, at postsecondary educational institutions.*

3 *(f) This section shall become operative on July 1, 2014.*

4 *SEC. 5. Section 60603 of the Education Code is amended to*  
5 *read:*

6 *60603. As used in this chapter:*

7 *(a) "Achievement level descriptors" means a narrative*  
8 *description of the knowledge, skills, and processes expected of*  
9 *pupils at different grade levels and at different performance levels*  
10 *on achievement tests.*

11 *(a)*

12 *(b) "Achievement test" means any summative standardized test*  
13 *that measures the level of performance that a pupil has achieved*  
14 *in the core curriculum areas, on state-adopted content standards.*

15 ~~*(b) "Assessment of applied academic skills" means a form of*~~  
16 ~~*assessment that requires pupils to demonstrate their knowledge*~~  
17 ~~*of, and ability to apply, academic knowledge and skills in order*~~  
18 ~~*to solve problems and communicate. It may include, but is not*~~  
19 ~~*limited to, writing an essay response to a question, conducting an*~~  
20 ~~*experiment, or constructing a diagram or model. An assessment*~~  
21 ~~*of applied academic skills may not include assessments of personal*~~  
22 ~~*behavioral standards or skills, including, but not limited to, honesty,*~~  
23 ~~*sociability, ethics, or self-esteem.*~~

24 ~~*(c) "Basic academic skills" means those skills in the subject*~~  
25 ~~*areas of reading, spelling, written expression, and mathematics*~~  
26 ~~*that provide the necessary foundation for mastery of more complex*~~  
27 ~~*intellectual abilities, including the synthesis and application of*~~  
28 ~~*knowledge.*~~

29 *(c) "Census administration" means a test administration in*  
30 *which all pupils take comparable assessments of the same content*  
31 *and where results of individual performance are appropriate and*  
32 *meaningful to parents, pupils, and teachers.*

33 *(d) "Computer-adaptive assessment" means a computer-based*  
34 *test that utilizes a computer program to adjust the difficulty of test*  
35 *items throughout a testing session based on a test taker's responses*  
36 *to previous test items during that testing session.*

37 *(e) "Computer-based assessment" means a test administered*  
38 *using an electronic computing device.*

(f) “Consortium” means a multistate collaborative organized to develop a comprehensive system of assessments or formative tools such as described in Section 60605.7.

(g) “Constructed-response questions” means a type of assessment item that requires pupils to construct their own answers.

~~(d)~~

(h) “Content standards” means the specific academic knowledge, skills, and abilities that all public schools in this state are expected to teach ~~teach~~, and all pupils are expected to learn ~~learn~~, in each of the core curriculum areas reading, writing, mathematics, history-social science, foreign languages, visual and performing arts, and science, at each grade level tested.

~~(e) “Core curriculum areas” means the areas of reading, writing, mathematics, history-social science, and science.~~

(f) “Diagnostic assessment” means interim assessments of the current level of achievement of a pupil that serves both of the following purposes:

(1) ~~The identification of particular academic standards or skills a pupil has or has not yet achieved.~~

(2) ~~The identification of possible reasons that a pupil has not yet achieved particular academic standards or skills.~~

(g) ~~“Direct writing assessment” means an assessment of applied academic skills that requires pupils to use written expression to demonstrate writing skills, including writing mechanics, grammar, punctuation, and spelling.~~

(i) “Diagnostic assessment” means an assessment of particular knowledge or skills a pupil has or has not yet achieved for the purpose of informing instruction and making placement decisions.

~~(h)~~

(j) “End of course exam” means a comprehensive and challenging assessment of pupil achievement in a particular subject area or discipline.

(k) “Field test” means an assessment or assessment items administered to a representative sample of a population to ensure that the test or item produces results that are valid, reliable, and fair.

~~(i)~~

(l) “Formative ~~assessment~~ assessment tools” means assessment tools and processes that are embedded in instruction and are used



by teachers and pupils to provide timely feedback for purposes of adjusting instruction to improve learning.

(j)

(m) “High-quality assessment” means an assessment designed to measure a pupil’s knowledge of, understanding of, and ability to ~~apply~~ *apply*, critical concepts through the use of a variety of item types and formats, including, but not *necessarily* limited to, items that allow for ~~open-ended~~ *constructed* responses and items that require the completion of ~~performance-based~~ *performance* tasks. A high-quality assessment should have the following characteristics:

(1) Enable measurement of pupil achievement and pupil growth *to the extent feasible*.

(2) Be of high technical quality by being valid, reliable, fair, and aligned to standards.

(3) Incorporate technology where appropriate.

(4) Include the assessment of pupils with disabilities and English learners.

(5) Use, to the extent feasible, universal design principles, as defined in Section 3 of the federal Assistive Technology Act of 1998 (29 U.S.C. Sec. 3002) in its development and administration.

(k)

(n) “Interim assessment” means an assessment that is *designed to be given at regular and specified intervals throughout the school year, is designed year to evaluate a pupil’s knowledge and skills relative to a specific set of academic standards, and produces results that can be aggregated by course, grade level, school, or local educational agency in order to inform teachers and administrators at the pupil, classroom, school, and local educational agency levels.*

(o) “Local educational agency” means a county office of education, school district, state special school, or direct-funded charter school as described in Section 47651.

(p) “Matrix sampling” means administering different portions of a single assessment to different groups of pupils for the purpose of sampling a broader representation of content and reducing testing time.

(q) “Measurement of Academic Performance and Progress (MAPP)” means the comprehensive assessment system, inclusive of consortium-developed assessments, that has the primary purpose

1 *of modeling and promoting high-quality teaching and instruction*  
2 *using a variety of assessment approaches and item types.*

3 ~~(t)~~

4 (r) “Performance standards” are standards that define various  
5 levels of competence at each grade level in each of the curriculum  
6 areas for which content standards are established. Performance  
7 standards gauge the degree to which a pupil has met the content  
8 standards and the degree to which a school or school district has  
9 met the content standards.

10 ~~(m) “Publisher” means a commercial publisher or any other~~  
11 ~~public or private entity, other than the department, which is able~~  
12 ~~to provide tests or test items that meet the requirements of this~~  
13 ~~chapter.~~

14 ~~(n) “Statewide pupil assessment program” means the systematic~~  
15 ~~achievement testing of pupils in grades 2 to 11, inclusive, pursuant~~  
16 ~~to the standardized testing and reporting program under Article 4~~  
17 ~~(commencing with Section 60640) and the assessment of basic~~  
18 ~~academic skills and applied academic skills, administered to pupils~~  
19 ~~in grade levels specified in subdivision (c) of Section 60605,~~  
20 ~~required by this chapter in all schools within each school district~~  
21 ~~by means of tests designated by the state board.~~

22 (s) “Performance tasks” are a collection of questions or  
23 activities that relate to a single scenario that include pupil  
24 interaction with stimulus. Performance tasks are a means to assess  
25 more complex skills such as writing, research, and analysis.

26 (t) “Personally identifiable information” includes a pupil’s  
27 name and other direct personal identifiers, such as the pupil’s  
28 identification number. Personally identifiable information also  
29 includes indirect identifiers, such as the pupil’s address and  
30 personal characteristics, or other information that would make  
31 the pupil’s identity easily traceable through the use of a single or  
32 multiple data sources, including publicly available information.

33 (u) “Population sampling” means administering assessments  
34 to a representative sample of pupils instead of the entire pupil  
35 population. The sample of pupils shall be representative in terms  
36 of various pupil subgroups, including, but not necessarily limited  
37 to, English learners and pupils with disabilities.

38 (v) “Recently arrived English learner” means a pupil designated  
39 as an English learner who is in his or her first 12 months of  
40 attending a school in the United States.

(w) “State-determined assessment calendar” means the scheduling of assessments, exclusive of those subject area assessments listed in subdivision (b) of Section 60640, over several years on a predetermined schedule. Content areas and grades shall only be assessed after being publicly announced at least two school years in advance of the assessment.

(x) “Summative assessment” means an assessment designed to be given near the end of the school year to evaluate a pupil’s knowledge and skills relative to a specific set of academic standards.

SEC. 6. Section 60604 of the Education Code is amended to read:

60604. (a) The Superintendent shall design and implement, consistent with the timetable and plan required pursuant to subdivision (b), a statewide pupil assessment ~~program~~ system consistent with the testing requirements of this article in accordance with the objectives set forth in Section ~~60602~~. 60602.5. That ~~program~~ system shall include all of the following:

(1) ~~A—Exclusive of the consortium assessments, a plan for producing or adopting valid, reliable, and comparable individual pupil scores in grades 2 to 11, inclusive, and a comprehensive analysis of these scores based on the results of the achievement test designated by the state board that assesses a broad range of basic academic skills pursuant to the Standardized Testing and Reporting (STAR) Program fair, and reliable achievement tests as recommended by the Superintendent and adopted by the state board pursuant to the Measurement of Academic Performance and Progress (MAPP) established by Article 4 (commencing with Section 60640).~~

(2) ~~A method of working with publishers to ensure valid, reliable, and comparable individual, grade-level, school-level, district-level, county-level, and statewide scores in grades 2 to 11, inclusive. plan for administering the consortium summative assessment as outlined by the joint agreement of the consortium.~~

(3) Statewide academically rigorous content and performance standards that reflect the knowledge and *complex* skills that pupils will need in order to succeed in the information-based, global economy of the 21st century. These skills shall not include personal behavioral standards or skills, including, but not limited to, honesty, sociability, ethics, or self-esteem.

(4) A statewide system that provides the results of testing in a manner that reflects the degree to which pupils are achieving the academically rigorous content and performance standards adopted by the state board.

(5) The alignment of assessment with the statewide academically rigorous content and performance standards adopted by the state board.

(6) The active, ongoing involvement of parents, classroom teachers, administrators, other educators, governing board members of school districts, *business community members, institutions of higher education*, and the public in all phases of the design and implementation of the statewide pupil assessment ~~program~~ *system*.

(7) *A plan for ensuring the security and integrity of the MAPP assessments.*

~~(7)~~

(8) The development of a contract or contracts with a ~~publisher or publishers~~, after the approval of statewide academically rigorous content standards by the state board, for the development of performance standards and assessments of applied academic skills designed to test pupils' knowledge of academic skills and abilities to apply that knowledge and those skills in order to solve problems and communicate. *contractor for the development or administration of achievement tests and performance tasks aligned to state-adopted content standards, including summative assessments or assessments that employ matrix sampling or population sampling methods.*

(b) The Superintendent shall develop and annually update for the Legislature a five-year cost projection, implementation ~~plan~~, *plan for the MAPP*, and a timetable for implementing the ~~program~~ *system* described in ~~subdivision (a)~~. *Section 60640*. The annual update shall be submitted on or before March 1 of each year to the ~~chairperson~~ *Department of Finance, the state board, and the respective chairpersons of the appropriate fiscal subcommittee* ~~subcommittees~~ considering budget appropriations *and the appropriate policy committees* in each house. The update shall explain any significant variations from the five-year cost projection for the current year budget and the proposed budget.

(c) The Superintendent shall ~~provide each school district with guidelines for professional development that are designed to assist classroom teachers to use the results of the assessments~~

1 administered pursuant to this chapter to modify instruction for the  
2 purpose of improving pupil learning. These guidelines shall be  
3 developed in consultation with classroom teachers and approved  
4 by the state board before dissemination. *make resources available*  
5 *that are designed to assist with the interpretation and use of the*  
6 *MAPP results to promote the use of the results for purposes of*  
7 *improving pupil learning and educational programs across the*  
8 *full curriculum. The Superintendent shall consider information*  
9 *already provided by assessment consortia to which California*  
10 *belongs or assessment contractors when fulfilling this requirement.*

11 (d) The Superintendent shall make information and resources  
12 available to parents, teachers, pupils, administrators, school board  
13 members, and the public regarding the MAPP, including, but not  
14 necessarily limited to, system goals, purposes, scoring systems,  
15 results, valid uses of assessments, and information on the  
16 relationship between performance on the previous state  
17 assessments and the MAPP.

18 ~~(d)~~

19 (e) The Superintendent and the state board shall consider  
20 comments and recommendations from ~~school districts~~ teachers,  
21 administrators, pupil representatives, institutions of higher  
22 education, and the public in the development, adoption, and  
23 approval of assessment instruments.

24 ~~(e)~~

25 (f) The results of the achievement ~~test tests~~, *exclusive of the*  
26 *consortium summative assessments*, administered pursuant to  
27 Article 4 (commencing with Section ~~60640~~) 60640), shall be  
28 returned to the ~~school district~~ local educational agencies within  
29 the period of time specified by the state board.

30 SEC. 7. Section 60605.5 of the Education Code is repealed.

31 ~~60605.5. (a) On or before November 15, 2001, the State Board~~  
32 ~~of Education shall adopt a performance standards system that~~  
33 ~~includes the following components:~~

34 ~~(1) Performance levels.~~

35 ~~(2) Performance level descriptors.~~

36 ~~(3) Test administration data from the applicable State Board of~~  
37 ~~Education adopted tests.~~

38 ~~(4) Exemplars of pupil performance that exemplify the content~~  
39 ~~and performance standards.~~

~~(b) The State Board of Education shall ensure that the performance standards system is aligned to the state's academically rigorous content standards.~~

*SEC. 8. Section 60606 of the Education Code is repealed.*

~~60606. (a) After adopting an assessment of applied academic skills for use in grades 4, 5, 8, and 10 pursuant to Section 60605, the state board shall submit the instrument, once designated or adopted, for review by the Statewide Pupil Assessment Review Panel, which is hereby established.~~

~~(b) The panel shall consist of six members. Three members shall be appointed by the Governor, one member shall be appointed by the Senate Committee on Rules, one member shall be appointed by the Speaker of the Assembly, and one member shall be appointed by the Superintendent. A majority of the panel shall consist of parents whose children attend public schools in the state in kindergarten and grades 1 to 12, inclusive.~~

~~(c) Panel members shall serve two-year terms, without compensation. No panel member shall serve more than two consecutive terms.~~

~~(d) The panel shall review the instrument specified in subdivision (a) in order to ensure that the content of the instrument complies with the requirements of Section 60614. Notwithstanding any other provision of law, the panel may meet in closed session with a publisher for the purpose of addressing questions and clarifying issues that relate to ensuring that the content of the publisher's test or assessment, as the case may be, complies with the requirements of Section 60614.~~

~~(e) The panel shall report its findings and recommendations to the state board within 10 days of its receipt of the instrument. If the panel fails to report within the required 10 days, the test or assessment shall be deemed acceptable to the panel.~~

*SEC. 9. Section 60607 of the Education Code is amended to read:*

~~60607. (a) Each pupil shall have an individual record of accomplishment by the end of grade 12 that includes the results of the achievement test required and administered annually as part of the Standardized Testing and Reporting (STAR) Program Measurement of Academic Performance and Progress (MAPP), or any predecessor assessments, established pursuant to Article 4 (commencing with Section 60640), results of end-of-course exams~~

1 he or she has taken, and the vocational education certification  
2 exams he or she chose to take.

3 (b) It is the intent of the Legislature that ~~school districts~~ *local*  
4 *educational agencies* and schools use the results of the academic  
5 achievement tests administered annually as part of the ~~statewide~~  
6 ~~pupil assessment program MAPP~~ to provide support to pupils and  
7 parents or guardians in order to assist pupils in strengthening their  
8 development as learners, and thereby to improve their academic  
9 achievement and performance in subsequent assessments.

10 (c) (1) ~~Any pupil~~ *Except for research provided for in Section*  
11 *49079.6, a pupil's* results or a record of accomplishment shall be  
12 private, and may not be released to any person, other than the  
13 pupil's parent or guardian and a teacher, counselor, or administrator  
14 directly involved with the pupil, without the express written consent  
15 of either the parent or guardian of the pupil if the pupil is a minor,  
16 or the pupil if the pupil has reached the age of majority or is  
17 emancipated.

18 (2) (A) Notwithstanding paragraph (1), a pupil or his or her  
19 parent or guardian may authorize the release of pupil results or a  
20 record of accomplishment to a postsecondary educational  
21 institution for the ~~purposes~~ *purpose* of credit, placement, or  
22 admission.

23 (B) Notwithstanding paragraph (1), the results of an individual  
24 pupil on the ~~California Standards Test MAPP~~ may be released to  
25 a postsecondary educational institution for the ~~purposes~~ *purpose*  
26 of credit, placement, or admission.

27 *SEC. 10. Section 60610 of the Education Code is amended to*  
28 *read:*

29 60610. At the request of the ~~State Board of Education, state~~  
30 *board*, and in accordance with rules and regulations that the *state*  
31 board may adopt, each county superintendent of schools shall  
32 cooperate with and assist school districts *and charter schools* under  
33 his or her jurisdiction in carrying out the testing programs of those  
34 *school* districts and *charter schools* and other duties imposed on  
35 school districts by this chapter.

36 *SEC. 11. Section 60611 of the Education Code is amended to*  
37 *read:*

38 ~~60611. (a) A city, county, city and county,~~

39 *60611. A local educational agency, district superintendent of*  
40 *schools, or principal or teacher of any elementary or secondary*

1 school, including a charter school, shall not carry on any program  
2 ~~of specific for the sole purpose of test~~ preparation of pupils for the  
3 statewide pupil assessment ~~program~~ system or a particular test used  
4 ~~therein~~ in the statewide pupil assessment system. Nothing in this  
5 section prohibits the use of materials to familiarize pupils with  
6 item types or the computer-based testing environment used in the  
7 *Measurement of Academic Performance and Progress*.

8 ~~(b) A city, county, city and county, district superintendent of~~  
9 ~~schools, principal, or a teacher of an elementary or secondary~~  
10 ~~school, including a charter school, may use instructional materials~~  
11 ~~provided by the department or its agents in the academic~~  
12 ~~preparation of pupils for the statewide pupil assessment if those~~  
13 ~~instructional materials are embedded in an instructional program~~  
14 ~~that is intended to improve pupil learning.~~

15 *SEC. 12. Section 60612 of the Education Code is amended to*  
16 *read:*

17 60612. Upon adoption or approval of assessments pursuant to  
18 this chapter, the Superintendent of ~~Public Instruction~~ shall ~~prepare~~  
19 *prepare*, and make available to parents, teachers, pupils,  
20 administrators, school board members, and the ~~public~~ public, easily  
21 understood materials, *in accordance with subdivisions (c) and (d)*  
22 *of Section 60604*, describing the nature and purposes of the  
23 assessments, the systems of scoring, and the *valid* uses to which  
24 the assessments will be put. *The Superintendent shall produce the*  
25 *materials for parents in languages other than English in*  
26 *accordance with Section 48985. It is the intent of the Legislature*  
27 *that the department utilize the clearinghouse for multilingual*  
28 *documents to meet this requirement. The Superintendent shall*  
29 *consider information already provided by assessment consortia*  
30 *of which California is a member or assessment contractors when*  
31 *fulfilling this requirement.*

32 *SEC. 13. Section 60630 of the Education Code is amended to*  
33 *read:*

34 60630. (a) The Superintendent shall prepare and submit, *and*  
35 *subsequently post on the Internet Web site of the department*, an  
36 annual report to the ~~Legislature~~ and the state board containing an  
37 analysis of the results and test scores of the ~~assessment of applied~~  
38 ~~academic skills adopted pursuant to subdivision (b) of Section~~  
39 ~~60605. The report simultaneously shall be made available in an~~  
40 ~~electronic medium on the Internet. The analysis may include, but~~



1 ~~need not be limited to, the following factors:~~ *summative*  
2 *assessments administered pursuant to Section 60640. The*  
3 *Superintendent shall notify the state board and the appropriate*  
4 *policy and fiscal committees of the Legislature that the annual*  
5 *report is available on the Internet Web site of the department.*

6 *(b) The Superintendent shall post a periodic update on the*  
7 *implementation of the Measurement of Academic Performance*  
8 *and Progress on the Internet Web site of the department, and notify*  
9 *the state board and the appropriate policy and fiscal committees*  
10 *of the Legislature that the update is available on the Internet Web*  
11 *site of the department.*

12 ~~(1) Financial characteristics, including specially funded~~  
13 ~~programs.~~

14 ~~(2) Pupil and parent characteristics.~~

15 ~~(3) Staff characteristics.~~

16 ~~(4) Instructional methodologies and materials.~~

17 ~~(b) School districts shall submit to the department whatever~~  
18 ~~information the department deems necessary to carry out this~~  
19 ~~section.~~

20 *SEC. 14. The heading of Article 4 (commencing with Section*  
21 *60640) of Chapter 5 of Part 33 of Division 4 of Title 2 of the*  
22 *Education Code is amended to read:*

23  
24 *Article 4. ~~Standardized Testing and Reporting Program~~*  
25 *Measurement of Academic Performance and Progress*  
26

27 *SEC. 15. Section 60640 of the Education Code is amended to*  
28 *read:*

29 ~~60640. (a) There is hereby established the Standardized Testing~~  
30 ~~and Reporting Program, to be known as the STAR Program.~~  
31 *Measurement of Academic Performance and Progress, to be known*  
32 *as the MAPP.*

33 *(b) Commencing with the 2013–14 school year, the MAPP shall*  
34 *be composed of all of the following:*

35 *(1) (A) A consortium summative assessment in English language*  
36 *arts and mathematics for grades 3 to 8, inclusive, and grade 11*  
37 *that measures content standards adopted by the state board.*

38 *(B) In the 2013–14 school year, the consortium summative*  
39 *assessment in English language arts and mathematics shall be a*  
40 *field test only, to enable the consortium to gauge the validity and*

1 reliability of these assessments and to conduct all necessary  
2 psychometric procedures and studies, including, but not necessarily  
3 limited to, achievement standard setting, and to allow the  
4 department to conduct studies regarding full implementation of  
5 the assessment system. These field tests and results shall not be  
6 used for any other purpose, including the calculation of any  
7 accountability measure.

8 (2) (A) Science grade level assessments in grades 5, 8, and 10  
9 that measure content standards pursuant to Section 60605, until  
10 a successor assessment is implemented pursuant to subparagraph  
11 (B).

12 (B) For science assessments, the Superintendent shall make a  
13 recommendation to the state board as soon as is feasible after the  
14 adoption of science content standards pursuant to Section 60605.85  
15 regarding the assessment of the newly adopted standards. Before  
16 making recommendations, the Superintendent shall consult with  
17 stakeholders, including, but not necessarily limited to, California  
18 science teachers, individuals with expertise in assessing English  
19 learners and pupils with disabilities, parents, and measurement  
20 experts, regarding the grade level and type of assessment. The  
21 recommendations shall include cost estimates and a plan for  
22 implementation of at least one assessment in each of the following  
23 grade spans:

24 (i) Grades 3 to 5, inclusive.

25 (ii) Grades 6 to 9, inclusive.

26 (iii) Grades 10 to 12, inclusive.

27 (3) The California Alternate Performance Assessment in grades  
28 2 to 11, inclusive, in English language arts and mathematics and  
29 science in grades 5, 8, and 10, which measures content standards  
30 adopted pursuant to Section 60605 until a successor assessment  
31 is implemented. The successor assessment shall be limited to the  
32 grades and subject areas assessed pursuant to paragraph (1) and  
33 subparagraph (B) of paragraph (2).

34 (4) The Early Assessment Program established by Chapter 6  
35 (commencing with Section 99300) of Part 65 of Division 14 of  
36 Title 3.

37 (5) (A) The department shall make available to local  
38 educational agencies a primary language assessment aligned to  
39 the English language arts standards adopted pursuant to Section  
40 60605, as it read on January 1, 2013, for assessing pupils who

1 are enrolled in a dual language immersion program that includes  
2 the primary language of the assessment and who are either  
3 nonlimited English proficient or redesignated fluent English  
4 proficient. The cost for the assessment shall be the same for all  
5 local educational agencies, and shall not exceed the marginal cost  
6 of the assessment, including any cost the department incurs to  
7 implement this section.

8 (B) A local educational agency may administer a primary  
9 language assessment aligned to the English language arts  
10 standards adopted pursuant to Section 60605, as it read on January  
11 1, 2013, at its own expense, and shall enter into an agreement for  
12 that purpose with the testing contractor. If the local educational  
13 agency chooses to administer a primary language assessment  
14 pursuant to this paragraph, the department shall reimburse the  
15 local educational agency for its costs, including a per pupil  
16 apportionment to administer the assessment pursuant to subdivision  
17 (l). The department shall determine the procedures for  
18 reimbursement.

19 (C) The Superintendent shall consult with stakeholders,  
20 including assessment and English learner experts, to determine  
21 the content and purpose of a stand-alone language arts summative  
22 assessment in primary languages other than English that aligns  
23 with the English-language arts content standards. The  
24 Superintendent shall consider the appropriate purpose for this  
25 assessment, including, but not necessarily limited to, support for  
26 the State Seal of Biliteracy and accountability. It is the intent of  
27 the Legislature that an assessment developed pursuant to this  
28 section be included in the state accountability system.

29 (D) The Superintendent shall report and make recommendations  
30 to the state board at a regularly scheduled public meeting no  
31 sooner than one year after the first full administration of the  
32 consortium computer-adaptive assessments in English language  
33 arts and mathematics summative assessments in grades 3 to 8,  
34 inclusive, and grade 11, regarding an implementation timeline  
35 and estimated costs of a stand-alone language arts summative  
36 assessment in primary languages other than English.

37 (E) The Superintendent shall develop, and the state board shall  
38 adopt, a primary language assessment. The Superintendent shall  
39 administer this assessment no later than the 2016–17 school year.

1     (F) *This paragraph shall be operative only to the extent that*  
2 *funding is provided in the annual Budget Act or another statute*  
3 *for the purpose of this section.*

4     (c) *No later than March 1, 2016, the Superintendent shall submit*  
5 *to the state board recommendations on expanding the MAPP to*  
6 *include additional assessments, for consideration at a regularly*  
7 *scheduled public meeting. The Superintendent shall also submit*  
8 *these recommendations to the appropriate policy and fiscal*  
9 *committees of the Legislature and to the Director of Finance in*  
10 *accordance with all of the following:*

11     (1) *In consultation with stakeholders, including, but not*  
12 *necessarily limited to, California teachers, individuals with*  
13 *expertise in assessing English learners and pupils with disabilities,*  
14 *parents, and measurement experts, the Superintendent shall make*  
15 *recommendations regarding assessments including the grade level,*  
16 *content, and type of assessment. These recommendations shall*  
17 *take into consideration the assessments already administered or*  
18 *planned pursuant to subdivision (b). The Superintendent shall*  
19 *consider the use of consortium-developed assessments, various*  
20 *item types, computer-based testing, and a timeline for*  
21 *implementation.*

22     (2) *The recommendations shall consider assessments in subjects,*  
23 *including, but not necessarily limited to, history-social science,*  
24 *technology, visual and performing arts, and other subjects as*  
25 *appropriate, as well as English language arts, mathematics, and*  
26 *science assessments to augment the assessments required under*  
27 *subdivision (b), and the use of various assessment options,*  
28 *including, but not necessarily limited to, computer-based tests,*  
29 *locally scored performance tasks, and portfolios.*

30     (3) *The recommendations shall include the use of an assessment*  
31 *calendar that would schedule the assessments identified pursuant*  
32 *to paragraph (2) over several years, the use of matrix sampling,*  
33 *if appropriate, and the use of population sampling.*

34     (4) *The recommendations shall include a timeline for test*  
35 *development, and shall include cost estimates for subject areas,*  
36 *as appropriate.*

37     (5) *Upon approval by the state board and the appropriation of*  
38 *funding for this purpose, the Superintendent shall develop and*  
39 *administer approved assessments. The state board shall approve*  
40 *test blueprints, achievement level descriptors, testing periods,*

1 *performance standards, and a reporting plan for each approved*  
2 *assessment.*

3 *(d) For the 2013–14 and 2014–15 school years, the department*  
4 *shall make available to local educational agencies Standardized*  
5 *Testing and Reporting Program test forms no longer required by*  
6 *the MAPP. The cost of implementing this subdivision, including,*  
7 *but not necessarily limited to, shipping, printing, scoring, and*  
8 *reporting per pupil shall be the same for all local educational*  
9 *agencies, and shall not exceed the marginal cost of the assessment,*  
10 *including any cost the department incurs to implement this section.*  
11 *A local educational agency that chooses to administer an*  
12 *assessment pursuant to this section shall do so at its own expense,*  
13 *and shall enter into an agreement for that purpose with a*  
14 *contractor, subject to the approval of the department.*

15 *(e) The Superintendent shall make available a paper and pencil*  
16 *version of any computer-based MAPP assessment for use by pupils*  
17 *who are unable to access the computer-based version of the*  
18 *assessment for a maximum of three years after a new operational*  
19 *test is first administered.*

20 ~~(b)~~  
21 *(f) (1) From the funds available for that purpose, each school*  
22 *district, charter school, and county office of education local*  
23 *educational agency shall administer assessments to each of its*  
24 *pupils in grades 2 to 11, inclusive, the standards-based achievement*  
25 *test provided for in Section 60642.5, pursuant to subdivision (b).*  
26 *As allowable by federal statute, recently arrived English learner*  
27 *pupils are exempted from taking the assessment in English*  
28 *language arts. The state board shall establish a testing period to*  
29 *provide that all schools administer these tests to pupils at*  
30 *approximately the same time during the instructional year, except*  
31 *as necessary to ensure test security and to meet the final filing*  
32 *date. year. The testing period established by the state board shall*  
33 *take into consideration the need of local educational agencies to*  
34 *provide makeup days for pupils who were absent during testing,*  
35 *as well as the need to schedule testing on electronic computing*  
36 *devices.*

37 ~~(e) The publisher and the school district shall provide two~~  
38 ~~makeup days for the testing of previously absent pupils within the~~  
39 ~~testing period established by the state board in subdivision (b).~~

(2) For the 2013–14 school year, each local educational agency shall administer the field tests in a manner described by the department in consultation with the president or executive director of the state board. Additional participants in the field test beyond the representative sample may be approved by the department, and the department shall use existing contract savings to fund district participation in one or more tests per participant. Funds for this purpose shall be utilized to allow for maximum participation in the field test across the state. To the extent savings in the current contract are not available to fully fund this participation, the department shall prorate available funds by test. Local educational agencies shall bear any additional costs to administer these assessments that are in excess of the contracted amount. With approval of the state board and the Director of Finance, the department shall amend the existing assessment contract to accommodate field testing beyond the representative sample, and to allow for special studies using information collected from the field tests.

(g) From the funds available for that purpose, each local educational agency shall administer assessments as determined by the state board pursuant to paragraph (5) of subdivision (c).

(h) As feasible, the MAPP field tests shall be conducted in a manner that will minimize the testing burden on individual schools. The MAPP field tests shall not produce individual pupil scores unless it is determined that these scores are valid and reliable.

~~(d)~~

(i) The governing board of ~~the~~ a school district may administer achievement tests in grades other than those required by ~~subdivision (b)~~ this section as it deems appropriate.

(j) The governing board of a school district may administer a primary language assessment aligned to the English language arts standards adopted pursuant to Section 60605 to a pupil identified as limited English proficient enrolled in any of grades 2 to 11, inclusive, who either receives instruction in his or her primary language or has been enrolled in a school in the United States for less than 12 months until a subsequent primary language assessment aligned to the common core standards in English language arts adopted pursuant to Section 60605.8 is developed pursuant to paragraph (5) of subdivision (b). If the governing board of a school district chooses to administer this assessment,

1 *it shall notify the department in a manner determined by the*  
2 *department.*

3 ~~(e)~~

4 ~~(k) Pursuant to Section 1412(a)(17) 1412(a)(16) of Title 20 of~~  
5 ~~the United States Code, individuals with exceptional needs, as~~  
6 ~~defined in Section 56026, shall be included in the testing~~  
7 ~~requirement of subdivision (b) with appropriate accommodations~~  
8 ~~in administration, where necessary, and those individuals with~~  
9 ~~exceptional needs who are unable to participate in the testing, even~~  
10 ~~with accommodations, shall be given an alternate assessment.~~

11 ~~(f) (1) At the option of the school district, pupils with limited~~  
12 ~~English proficiency who are enrolled in any of grades 2 to 11,~~  
13 ~~inclusive, may take a second achievement test in their primary~~  
14 ~~language. Primary language tests administered pursuant to this~~  
15 ~~subdivision and subdivision (g) shall be subject to the requirements~~  
16 ~~of subdivision (a) of Section 60641. These primary language tests~~  
17 ~~shall produce individual pupil scores that are valid and reliable.~~

18 ~~(2) Notwithstanding any other law, the state board shall~~  
19 ~~designate for use, as part of this program, a single primary language~~  
20 ~~test in each language for which a test is available for grades 2 to~~  
21 ~~11, inclusive, pursuant to the process used for designation of the~~  
22 ~~assessment chosen in the 1997-98 fiscal year, as specified in~~  
23 ~~Section 60643, as applicable.~~

24 ~~(3) (A) The department shall use funds made available pursuant~~  
25 ~~to Title VI of the federal No Child Left Behind Act of 2001 (20~~  
26 ~~U.S.C. Sec. 6301 et seq.) and appropriated by the annual Budget~~  
27 ~~Act for the purpose of developing and adopting primary language~~  
28 ~~assessments that are aligned to the state academic content~~  
29 ~~standards. Subject to the availability of funds, primary language~~  
30 ~~assessments shall be developed and adopted for reading/language~~  
31 ~~arts and mathematics in the dominant primary language of~~  
32 ~~limited-English-proficient pupils. The dominant primary language~~  
33 ~~shall be determined by the count in the annual language census of~~  
34 ~~the primary language of each limited-English-proficient pupil~~  
35 ~~enrolled in the California public schools.~~

36 ~~(B) Once a dominant primary language assessment is available~~  
37 ~~for use for a specific grade level, it shall be administered in place~~  
38 ~~of the assessment designated pursuant to paragraph (1) for that~~  
39 ~~grade level.~~

1     ~~(C) In choosing a contractor to develop a primary language~~  
2     ~~assessment the state board shall consider the criteria for choosing~~  
3     ~~a contractor or test publisher as specified by Section 60643, and~~  
4     ~~as specified by Section 60642.5, as applicable.~~

5     ~~(D) Subject to the availability of funds, the assessments shall~~  
6     ~~be developed in grade order starting with the lowest grade subject~~  
7     ~~to the STAR Program.~~

8     ~~(E) If the state board contracts for the development of primary~~  
9     ~~language assessments or test items to augment an existing~~  
10    ~~assessment, the state shall retain ownership rights to the assessment~~  
11    ~~and the test items. With the approval of the state board, the~~  
12    ~~department may license the test for use in other states subject to a~~  
13    ~~compensation agreement approved by the Department of Finance.~~

14    ~~(F) On or before January 1, 2006, the department shall submit~~  
15    ~~to the Legislature a report on the development and implementation~~  
16    ~~of the initial primary language assessments and recommendations~~  
17    ~~on the development and implementation of future assessments and~~  
18    ~~funding requirements.~~

19    ~~(g) A pupil identified as limited English proficient pursuant to~~  
20    ~~the administration of a test made available pursuant to Section~~  
21    ~~60810 who is enrolled in any of grades 2 to 11, inclusive, and who~~  
22    ~~either receives instruction in his or her primary language or has~~  
23    ~~been enrolled in a school in the United States for less than 12~~  
24    ~~months shall be required to take a test in his or her primary~~  
25    ~~language if a test is available.~~

26    ~~(h)~~  
27    ~~(l) (1) The Superintendent shall apportion funds to school~~  
28    ~~districts to enable school districts appropriated for these purposes~~  
29    ~~to local educational agencies to enable them to meet the~~  
30    ~~requirements of subdivisions (b), (c), (f), and (g). (b) and (c).~~

31    ~~(A) For the MAPP field tests administered in the 2013–14 school~~  
32    ~~year or later school years, the Superintendent shall apportion~~  
33    ~~funds to local educational agencies if funds are specifically~~  
34    ~~provided for this purpose in the annual Budget Act.~~

35    ~~(B) The Superintendent shall apportion funds to local~~  
36    ~~educational agencies to enable them to administer assessments~~  
37    ~~used to satisfy the voluntary Early Assessment Program in the~~  
38    ~~2013–14 school year pursuant to paragraph (4) of subdivision (b).~~

39    ~~(2) The state board annually shall establish the amount of~~  
40    ~~funding to be apportioned to school districts local educational~~



1 agencies for each test administered and annually shall establish  
2 the amount that each ~~publisher~~ contractor shall be paid for each  
3 test administered under the ~~agreements~~ contracts required pursuant  
4 to Section 60643. The amounts to be paid to the ~~publishers~~  
5 contractors shall be determined by considering the cost estimates  
6 submitted by each ~~publisher~~ contractor each September and the  
7 amount included in the annual Budget Act, and by making  
8 allowance for the estimated costs to school districts for compliance  
9 with the requirements of subdivisions ~~(b), (c), (f), and (g)~~. *(b) and*  
10 *(c). The state board shall take into account changes to local*  
11 *educational agency test administration activities under the MAPP,*  
12 *including, but not limited to, the number, type of tests administered,*  
13 *and changes in computerized test registration and administration*  
14 *procedures, when establishing the amount of funding to be*  
15 *apportioned to local educational agencies for each test*  
16 *administered.*

17 (3) An adjustment to the amount of funding to be apportioned  
18 per test shall not be valid without the approval of the Director of  
19 Finance. A request for approval of an adjustment to the amount  
20 of funding to be apportioned per test shall be submitted in writing  
21 to the Director of Finance and the chairpersons of the fiscal  
22 committees of both houses of the Legislature with accompanying  
23 material justifying the proposed adjustment. The Director of  
24 Finance is authorized to approve only those adjustments related  
25 to activities required by statute. The Director of Finance shall  
26 approve or disapprove the amount within 30 days of receipt of the  
27 request and shall notify the chairpersons of the fiscal committees  
28 of both houses of the Legislature of the decision.

29 (i)

30 (m) For purposes of making the computations required by  
31 Section 8 of Article XVI of the California Constitution, the  
32 appropriation for the apportionments made pursuant to paragraph  
33 (1) of subdivision ~~(h)~~ (l), and the payments made to the ~~publishers~~  
34 contractors under the contracts required pursuant to Section 60643  
35 or subparagraph (C) of paragraph (1) of subdivision (a) of Section  
36 60605 between the department and the contractor, are “General  
37 Fund revenues appropriated for school districts,” as defined in  
38 subdivision (c) of Section 41202, for the applicable fiscal year,  
39 and included within the “total allocations to school districts and  
40 community college districts from General Fund proceeds of taxes

1 appropriated pursuant to Article XIII B,” as defined in subdivision  
2 (e) of Section 41202, for that fiscal year.

3 ~~(j)~~

4 (n) As a condition to receiving an apportionment pursuant to  
5 subdivision ~~(h)~~ (l), a ~~school district~~ *local educational agency* shall  
6 report to the Superintendent all of the following:

7 (1) ~~The number of pupils enrolled in the school district in grades~~  
8 ~~2 to 11, inclusive; local educational agency in the grades in which~~  
9 ~~assessments were administered pursuant to subdivisions (b) and~~  
10 ~~(c).~~

11 (2) ~~The number of pupils to whom an achievement test was~~  
12 ~~administered in grades 2 to 11, inclusive, in the school district.~~  
13 ~~pursuant to subdivisions (b) and (c) in the local educational~~  
14 ~~agency.~~

15 (3) ~~The number of pupils in paragraph (1) who were exempted~~  
16 ~~from the test at the request of their parents or guardians; pursuant~~  
17 ~~to this section.~~

18 ~~(k)~~

19 (o) The Superintendent and the state board are authorized and  
20 encouraged to assist postsecondary educational institutions to use  
21 the assessment results of the ~~California Standards Tests, MAPP,~~  
22 including, but not necessarily limited to, the ~~augmented California~~  
23 ~~Standards Tests, grade 11 consortium summative assessments in~~  
24 ~~English language arts and mathematics,~~ for academic credit,  
25 placement, or admissions processes.

26 ~~(t) The~~

27 (p) *Subject to the availability of funds in the annual Budget Act*  
28 *for this purpose, and exclusive of the consortium assessments, the*  
29 *Superintendent, with the approval of the state board, annually shall*  
30 *release to the public test items from the—standard-based*  
31 *achievement tests pursuant to Section 60642.5 administered in*  
32 *previous years. The Where feasible and practicable, the minimum*  
33 *number of test items released per year shall be equal to 25 percent*  
34 *of the total number of test items on the test administered in the*  
35 *previous year.*

36 (q) *On or before July 1, 2014, Sections 850 to 868, inclusive,*  
37 *of Title 5 of the California Code of Regulations shall be revised*  
38 *by the state board to conform to the changes made to this section*  
39 *in the first year of the 2013–14 Regular Session. The state board*  
40 *shall adopt initial regulations as emergency regulations to*

1 *immediately implement the MAPP assessments, including, but not*  
 2 *necessarily limited to, the administration, scoring, and reporting*  
 3 *of the tests, as the adoption of emergency regulations is necessary*  
 4 *for the immediate preservation of the public peace, health, safety,*  
 5 *or general welfare within the meaning of Section 11346.1 of the*  
 6 *Government Code. The emergency regulations shall be followed*  
 7 *by the adoption of permanent regulations, in accordance with the*  
 8 *Administrative Procedure Act (Chapter 3.5 (commencing with*  
 9 *Section 11340) of Part 1 of Division 3 of Title 2 of the Government*  
 10 *Code).*

11 *SEC. 16. Section 60641 of the Education Code is amended to*  
 12 *read:*

13 *60641. (a) The department shall ensure that ~~school districts~~*  
 14 *local educational agencies* *comply with each of the following*  
 15 *requirements:*

16 *(1) ~~The standards-based achievement test tests~~ provided for in*  
 17 *Section ~~60642.5~~ is 60640 are scheduled to be administered to all*  
 18 *pupils, inclusive of pupils enrolled in charter schools and exclusive*  
 19 *of pupils exempted pursuant to Section 60640, during the period*  
 20 *prescribed in subdivision (b) of Section 60640.*

21 *(2) ~~The~~ For assessments that produce valid individual pupil*  
 22 *results, the individual results of each pupil test administered tested*  
 23 *pursuant to Section 60640 shall be reported, in writing, to the*  
 24 *parent or guardian of the pupil. The ~~written~~ report shall include a*  
 25 *clear explanation of the purpose of the test, the score of the pupil,*  
 26 *and the intended use by the ~~school district~~ local educational agency*  
 27 *of the test score. This subdivision does not require teachers or*  
 28 *other ~~school district~~ local educational agency personnel to prepare*  
 29 *individualized explanations of the test score of each pupil. It is the*  
 30 *intent of the Legislature that nothing in this section shall preclude*  
 31 *a school or school district from meeting the reporting requirement*  
 32 *by the use of electronic media formats that secure the*  
 33 *confidentiality of the pupil and the pupil's results. State agencies*  
 34 *or local educational agencies shall not use a comparison resulting*  
 35 *from the scores and results of the Measurement of Academic*  
 36 *Performance and Progress (MAPP) assessments and the*  
 37 *assessment scores and results from assessments that measured*  
 38 *previously adopted content standards.*

39 *(3) (A) ~~The~~ For assessments that produce valid individual pupil*  
 40 *results, the individual results of each pupil test administered tested*

1 pursuant to Section 60640 also shall be reported to the school and  
2 teachers of a pupil. The ~~school district~~ *local educational agency*  
3 shall include the test results of a pupil in his or her pupil records.  
4 However, except as provided in this ~~section~~, *individual section*  
5 *and Section 60607, personally identifiable* pupil test results only  
6 may be released with the permission of either the pupil's parent  
7 or guardian if the pupil is a minor, or the pupil if the pupil has  
8 reached the age of majority or is emancipated.

9 (B) Notwithstanding subparagraph ~~(A)~~, (A) *and pursuant to*  
10 *subdivision (c) of Section 60607*, a pupil or his or her parent or  
11 guardian may authorize the release of individual pupil results to a  
12 postsecondary educational institution for the purpose of credit,  
13 placement, determination of readiness for college-level coursework,  
14 or admission.

15 (4) The districtwide, school-level, and grade-level results of the  
16 ~~STAR Program~~ *MAPP* in each of the grades designated pursuant  
17 to Section 60640, but not the score or relative position of any  
18 individually ascertainable pupil, shall be reported to the governing  
19 board of the school district at a regularly scheduled meeting, and  
20 the countywide, school-level, and grade-level results for classes  
21 and programs under the jurisdiction of the county office of  
22 education shall be similarly reported to the county board of  
23 education at a regularly scheduled meeting.

24 ~~(b) The publisher of the standards-based achievement tests~~  
25 ~~provided for in Section 60642.5 shall make the individual pupil,~~  
26 ~~grade, school, school district, and state results available to the~~  
27 ~~department pursuant to paragraph (9) of subdivision (a) of Section~~  
28 ~~60643 by August 8 of each year in which the achievement test is~~  
29 ~~administered for those schools for which the last day of test~~  
30 ~~administration, including makeup days, is on or before June 25.~~  
31 ~~The department shall make the grade, school, school district, and~~  
32 ~~state results available on the Internet by August 15 of each year~~  
33 ~~in which the achievement test is administered for those schools~~  
34 ~~for which the last day of test administration, including makeup~~  
35 ~~days, is on or before June 25.~~

36 ~~(c) The department shall take all reasonable steps to ensure that~~  
37 ~~the results of the test for all pupils who take the test by June 25~~  
38 ~~are made available on the Internet by August 15, as set forth in~~  
39 ~~subdivision (b).~~

1 (b) The state board shall adopt regulations that outline a  
2 calendar for delivery and receipt of summative assessment results  
3 at the pupil, school, grade, district, county, and state levels. The  
4 calendar shall include delivery dates to the department and to  
5 local educational agencies. The calendar for delivery shall provide  
6 for the timely return of assessment results, and consider the amount  
7 of paper-and-pencil administered assessments and number of items  
8 requiring hand scoring. The calendar shall also ensure that  
9 individual assessment results are reported to local educational  
10 agencies within eight weeks of receipt by the contractor for scoring.

11 (c) Aggregated, disaggregated, or group scores or reports that  
12 include the results of the MAPP assessments, inclusive of the  
13 reports developed pursuant to Section 60630, shall not be publicly  
14 reported to any party other than the school or local educational  
15 agency where the pupils were tested, if the aggregated,  
16 disaggregated, or group scores or reports are comprised of 10 or  
17 fewer individual pupil assessment results. Exclusive of the reports  
18 developed pursuant to Section 60630, in no case shall any group  
19 score or report be displayed that would deliberately or  
20 inadvertently make the score or performance of any individual  
21 pupil or teacher identifiable.

22 (d) For those entities described in clauses (i) and (iii) of  
23 subparagraph (B) of paragraph (3) of subdivision (c) of Section  
24 49079.6, the MAPP scores and results shall be released pursuant  
25 to the process outlined in paragraph (3) of subdivision (c) of  
26 Section 49079.6.

27 ~~(d)~~

28 (e) The department shall ensure that ~~a California Standards Test~~  
29 ~~that is augmented for the purpose of determining credit, placement,~~  
30 ~~or readiness for college-level coursework of a pupil in a~~  
31 ~~postsecondary educational institution inform a pupil in grade 11~~  
32 ~~that he or she may request that the results from that assessment~~  
33 ~~pupils in grade 11, or parents or legal guardians of those pupils,~~  
34 ~~may request results from grade 11 assessments administered as~~  
35 ~~part of the MAPP for the purpose of determining credit, placement,~~  
36 ~~or readiness for college-level coursework be released to a~~  
37 ~~postsecondary educational institution.~~

38 SEC. 17. Section 60642.6 is added to the Education Code, to  
39 read:

1     60642.6. *The department shall acquire, and offer at no cost to*  
2 *local educational agencies, interim and formative assessment tools*  
3 *for kindergarten and grades 1 to 12, inclusive, as provided through*  
4 *the consortium membership pursuant to Section 60605.7.*

5     SEC. 18. *Section 60643 of the Education Code is amended to*  
6 *read:*

7     ~~60643. (a) To be eligible for consideration under Section~~  
8 ~~60642.5 by the state board, test publishers shall agree in writing~~  
9 ~~each year to meet the following requirements, as applicable, if~~  
10 ~~selected:~~

11     ~~(1) Enter into an agreement, pursuant to subdivision (e) or (f),~~  
12 ~~with the department by October 15 of that year.~~

13     ~~(2) Align the standards-based achievement test provided for in~~  
14 ~~Section 60642.5 to the academically rigorous content and~~  
15 ~~performance standards adopted by the state board.~~

16     ~~(3) Comply with subdivisions (c) and (d) of Section 60645.~~

17     ~~(4) Provide valid and reliable individual pupil scores to parents~~  
18 ~~or guardians, teachers, and school administrators.~~

19     ~~(5) Provide valid and reliable aggregate scores to school districts~~  
20 ~~and county boards of education in all of the following forms and~~  
21 ~~formats:~~

22     ~~(A) Grade level.~~

23     ~~(B) School level.~~

24     ~~(C) District level.~~

25     ~~(D) Countywide.~~

26     ~~(E) Statewide.~~

27     ~~(F) Comparison of statewide scores relative to other states.~~

28     ~~(6) Provide disaggregated scores, based on~~  
29 ~~limited-English-proficient status and nonlimited-English-proficient~~  
30 ~~status. For purposes of this section, pupils with~~  
31 ~~“nonlimited-English-proficient status” shall include the total of~~  
32 ~~those pupils who are English-only pupils, fluent-English-proficient~~  
33 ~~pupils, and redesignated fluent-English-proficient pupils. These~~  
34 ~~scores shall be provided to school districts and county boards of~~  
35 ~~education in the same forms and formats listed in paragraph (5).~~

36     ~~(7) Provide disaggregated scores by pupil gender and ethnicity~~  
37 ~~and provide disaggregated scores based on whether pupils are~~  
38 ~~economically disadvantaged or not. These disaggregated scores~~  
39 ~~shall be in the same forms and formats as listed in paragraph (5).~~  
40 ~~In any one year, the disaggregation shall entail information already~~

1 being collected by school districts, county offices of education, or  
2 charter schools.

3 ~~(8) Provide disaggregated scores for pupils who have~~  
4 ~~individualized education programs and have enrolled in special~~  
5 ~~education, to the extent required by federal law. These scores shall~~  
6 ~~be provided in the same forms and formats listed in paragraph (5).~~  
7 ~~This section shall not be construed to exclude the scores of special~~  
8 ~~education pupils from any state or federal accountability system.~~

9 ~~(9) Provide information listed in paragraphs (5), (6), (7), and~~  
10 ~~(8) to the department and the state board in the medium requested~~  
11 ~~by each entity, respectively.~~

12 ~~(b) It is the intent of the Legislature that the publisher work with~~  
13 ~~the Superintendent and the state board in developing a methodology~~  
14 ~~to disaggregate statewide scores as required in paragraphs (6) and~~  
15 ~~(7) of subdivision (a), and in determining which variable indicated~~  
16 ~~on the STAR testing document shall serve as a proxy for~~  
17 ~~“economically disadvantaged” status pursuant to paragraph (7) of~~  
18 ~~subdivision (a).~~

19 ~~(c) Access to information about individual pupils or their~~  
20 ~~families shall be granted to the publisher only for purposes of~~  
21 ~~correctly associating test results with the pupils who produced~~  
22 ~~those results or for reporting and disaggregating test results as~~  
23 ~~required by this section. School districts are prohibited from~~  
24 ~~excluding a pupil from the test if a parent or parents decline to~~  
25 ~~disclose income. This chapter does not abridge or deny rights to~~  
26 ~~confidentiality contained in the federal Family Educational Rights~~  
27 ~~and Privacy Act of 1974 (20 U.S.C. Sec. 1232g) or other applicable~~  
28 ~~state and federal law that protect the confidentiality of information~~  
29 ~~collected by educational institutions.~~

30 ~~(d)~~

31 ~~60643. (a) Notwithstanding any other law, the publisher~~  
32 ~~contractor or contractors of the standards-based achievement test~~  
33 ~~tests provided for in Section 60642.5 or any contractor under~~  
34 ~~subdivision (f) 60640 shall comply with all of the conditions and~~  
35 ~~requirements enumerated in subdivision (a), as applicable, of the~~  
36 ~~contract to the satisfaction of the Superintendent and the state~~  
37 ~~board.~~

38 ~~(e) (1) A publisher shall not provide a test described in Section~~  
39 ~~60642.5 or 60650 or in subdivision (f) of Section 60640 for use~~

1 in California public schools, unless the publisher enters into a  
2 written contract with the department as set forth in this subdivision.

3 (2)

4 (b) (1) The department shall develop, and the Superintendent  
5 and the state board shall approve, a contract or contracts to be  
6 entered into with a publisher pursuant to paragraph (1); contractor  
7 in connection with the test provided for in Section 60640. The  
8 department may develop the contract through negotiations with  
9 the publisher. negotiations. In approving a contract amendment  
10 to the contract authorized pursuant to this section, the department,  
11 in consultation with the state board, may make material  
12 amendments to the contract that do not increase the contract cost.  
13 Contract amendments that increase contract costs may only be  
14 made with the approval of the department, the state board, and  
15 the Department of Finance.

16 (3)

17 (2) For purposes of the contracts authorized pursuant to this  
18 subdivision, the department is exempt from the requirements of  
19 Part 2 (commencing with Section 10100) of Division 2 of the  
20 Public Contract Code and from the requirements of Article 6  
21 (commencing with Section 999) of Chapter 6 of Division 4 of the  
22 Military and Veterans Code. The department shall use a  
23 competitive and open process utilizing standardized scoring  
24 criteria through which to select a potential administration  
25 contractor or contractors for recommendation to the state board  
26 for consideration. The state board shall consider each of the  
27 following criteria:

28 (A) The ability of the contractor to produce valid and reliable  
29 scores.

30 (B) The ability of the contractor to report accurate results in a  
31 timely fashion.

32 (C) Exclusive of the consortium assessments, the ability of the  
33 contractor to ensure technical adequacy of the tests, inclusive of  
34 the alignment between the Measurement of Academic Performance  
35 and Progress (MAPP) tests and the state-adopted content  
36 standards.

37 (D) The cost of the assessment system.

38 (E) The ability and proposed procedures to ensure the security  
39 and integrity of the assessment system.



1 (F) *The experience of the contractor in successfully conducting*  
2 *statewide testing programs in other states.*

3 ~~(4)~~

4 (3) The contracts shall include provisions for progress payments  
5 to the ~~publisher~~ *contractor* for work performed or costs incurred  
6 in the performance of the contract. Not less than 10 percent of the  
7 amount budgeted for each separate and distinct component task  
8 provided for in each contract shall be withheld pending final  
9 completion of all component tasks by that ~~publisher~~ *contractor*.  
10 The total amount withheld pending final completion shall not  
11 exceed 10 percent of the total contract price *for that fiscal year*.

12 ~~(5)~~

13 (4) The contracts shall require liquidated damages to be paid  
14 by the ~~publisher~~ *contractor* in the amount of up to 10 percent of  
15 the total cost of the contract for any component task that the  
16 ~~publisher~~ *contractor* through its own fault or that of its  
17 subcontractors fails to substantially perform by the date specified  
18 in the agreement.

19 ~~(6)~~

20 (5) The contracts shall establish the process and criteria by  
21 which the successful completion of each component task shall be  
22 recommended by the department and approved by the state board.

23 ~~(7)~~

24 (6) The ~~publishers~~ *contractors* shall submit, as part of the  
25 contract negotiation process, a proposed budget and invoice  
26 schedule, that includes a detailed listing of the costs for each  
27 component task and the expected date of the invoice for each  
28 completed component task.

29 ~~(8)~~

30 (7) *The contract or contracts subject to approval by the*  
31 *Superintendent and the state board under paragraph (1) and*  
32 *exempt under paragraph (2) shall specify the following component*  
33 *tasks, as applicable, that are separate and distinct:*

34 (A) Development of new tests or test ~~items as required by~~  
35 ~~paragraph (2) of subdivision (a): items.~~

36 (B) Test materials production or publication.

37 (C) *Delivery or electronic distribution* of test materials to ~~school~~  
38 ~~districts~~ *local educational agencies*.

39 (D) Test processing, scoring, and analyses.

1 (E) Reporting of test results to the ~~school districts~~, *local*  
2 *educational agencies*, including, but not *necessarily* limited to, all  
3 reports specified in this section.

4 (F) Reporting of *valid and reliable* test results to the department,  
5 including, but not *necessarily* limited to, the *following* electronic  
6 ~~files required pursuant to this section. files:~~

7 (i) *Scores aggregated statewide, and by county, school district,*  
8 *school, and grade.*

9 (ii) *Disaggregated scores based on English proficiency status,*  
10 *gender, ethnicity, socioeconomic disadvantage, foster care status,*  
11 *and special education designation.*

12 (G) All other analyses or reports required by the Superintendent  
13 to meet the requirements of state and federal law and set forth in  
14 the agreement.

15 (H) *Technology services to support the activities listed in*  
16 *subparagraphs (A) to (G), inclusive.*

17 (I) *Perform regular performance checks and load simulations*  
18 *to ensure the integrity and robustness of the technology system*  
19 *used to support the activities listed in subparagraphs (A) to (G),*  
20 *inclusive.*

21 ~~(9) The contracts shall specify the specific reports and data files,~~  
22 ~~if any, that are to be provided to school districts by the publisher~~  
23 ~~and the number of copies of each report or file to be provided.~~

24 ~~(10) The contracts shall specify the means by which any delivery~~  
25 ~~date for materials to each school district shall be verified by the~~  
26 ~~publisher and the school district.~~

27 ~~(11) School districts may negotiate a separate agreement with~~  
28 ~~the publisher for any additional materials or services not within~~  
29 ~~the contracts specified in this subdivision, including, but not limited~~  
30 ~~to, the administration of the tests to pupils in grade levels other~~  
31 ~~than grades 2 to 11, inclusive. Any separate agreement is not within~~  
32 ~~the scope of the contract specified in this subdivision.~~

33 ~~(f) The department, with approval of the state board, may enter~~  
34 ~~into a separate contract for the development or administration of~~  
35 ~~a test authorized pursuant to this part, including, but not limited~~  
36 ~~to, item development, coordination of tests, assemblage of tests~~  
37 ~~or test items, scoring, or reporting. The liquidated damages~~  
38 ~~provision set forth in paragraph (5) of subdivision (c) shall apply~~  
39 ~~to a contract entered into pursuant to this subdivision.~~

40 *SEC. 19. Section 60643.1 of the Education Code is repealed.*

1     ~~60643.1. (a) (1) The test publisher designated by the state~~  
2 ~~board pursuant to Section 60642 shall make available a reading~~  
3 ~~list on the Internet by June 1 of the applicable school year. The~~  
4 ~~reading list shall include an index that correlates ranges of pupil~~  
5 ~~reading scores on the English language arts portion of the~~  
6 ~~achievement test designated pursuant to Section 60642 to titles of~~  
7 ~~materials that would be suitable for pupils in each of grades 2 to~~  
8 ~~11, inclusive, to read in order to improve their reading skills. This~~  
9 ~~reading list shall include titles of books that allow a pupil to~~  
10 ~~practice reading at his or her current reading level and that will~~  
11 ~~assist the pupil in achieving a higher level of proficiency. To the~~  
12 ~~extent possible, the index also shall include information related to~~  
13 ~~the subject matter of each title. At a minimum, the reading list also~~  
14 ~~shall categorize titles by subject matter and identify age-appropriate~~  
15 ~~distinctions in the list.~~

16     ~~(2) The test publisher, in each school year, shall make available~~  
17 ~~for purchase by school districts a report that provides a numerical~~  
18 ~~distribution of the reading scores of all pupils in California who~~  
19 ~~took the achievement test designated pursuant to Section 60642.~~

20     ~~(3) The test publisher, in each school year, shall make available~~  
21 ~~for purchase by school districts reading lists that can be distributed~~  
22 ~~to pupils based on a pupil's age and the ranges of scores on the~~  
23 ~~English language arts portion of the achievement test designated~~  
24 ~~pursuant to Section 60642.~~

25     ~~(4) The requirements of this subdivision shall become operative~~  
26 ~~only upon a determination by the Director of Finance that funds~~  
27 ~~are available to make an adjustment pursuant to subdivision (h)~~  
28 ~~of Section 60640.~~

29     ~~(b) The state board and the Superintendent jointly shall certify~~  
30 ~~that the process used by the publisher to determine the reading~~  
31 ~~levels of the corresponding reading list pursuant to paragraph (1)~~  
32 ~~of subdivision (a) meets the following criteria:~~

33     ~~(1) The process is educationally valid.~~

34     ~~(2) The process results in a reading list for each reading span~~  
35 ~~that provides titles at the pupil's current reading level and the next~~  
36 ~~higher level for challenging practice.~~

37     ~~(3) The process results in a selection from the universe of titles~~  
38 ~~from the list developed pursuant to subdivision (d) that matches~~  
39 ~~each reading level.~~

1     ~~(4) The process is unbiased in the selection of publishers' titles~~  
2     ~~from the legal compliance list.~~

3     ~~(e) The titles listed at each reading level range posted on the~~  
4     ~~Internet and the reading lists made available to school districts~~  
5     ~~pursuant to subdivision (a), at a minimum, shall include all relevant~~  
6     ~~literature materials approved as of September 1, 1999, as being~~  
7     ~~legally compliant pursuant to Article 3 (commencing with Section~~  
8     ~~60040) of Chapter 1 of Part 33, and the titles listed in all of the~~  
9     ~~content area reading and literature lists that are developed and~~  
10    ~~published by the department and that have been determined by the~~  
11    ~~department to meet the relevant reading level as certified pursuant~~  
12    ~~to subdivision (b).~~

13    ~~(d) By imposing the requirements of this section on publishers,~~  
14    ~~it is not the intent of the Legislature to unfairly disadvantage any~~  
15    ~~publisher who has otherwise met the requirements of this section~~  
16    ~~or of Article 3 (commencing with Section 60040) of Chapter 1 of~~  
17    ~~Part 33.~~

18    *SEC. 20. Section 60643.5 of the Education Code is repealed.*

19    ~~60643.5. (a) A school shall be reimbursed by the test publisher~~  
20    ~~selected pursuant to this article for any unexpected expenses~~  
21    ~~incurred due to scheduling changes that resulted from the late~~  
22    ~~delivery of testing materials in connection with the STAR Program.~~

23    ~~(b) The State Department of Education shall monitor and report~~  
24    ~~to the State Board of Education regarding the publisher's~~  
25    ~~production, processing, and delivery system to ensure that a timely~~  
26    ~~delivery of testing materials to all schools occurs during the~~  
27    ~~1999-2000 testing cycle.~~

28    *SEC. 21. Section 60643.6 is added to the Education Code, to*  
29    ~~read:~~

30    ~~60643.6. A local educational agency shall be reimbursed by~~  
31    ~~the contractor selected pursuant to this article for any unexpected~~  
32    ~~expenses incurred due to scheduling changes that resulted from~~  
33    ~~the late delivery of testing materials in connection with the~~  
34    ~~Measurement of Academic Performance and Progress.~~

35    *SEC. 22. Section 60645 of the Education Code is repealed.*

36    ~~60645. (a) The panel established pursuant to Section 60606~~  
37    ~~shall review the standards-based achievement test provided for in~~  
38    ~~Section 60642.5 and items identified in subdivision (d) for~~  
39    ~~compliance with Section 60614.~~

1     ~~(b) Test questions or test content identified by the panel to be~~  
2     ~~out of compliance with Section 60614 shall be recommended for~~  
3     ~~deletion or replacement pursuant to subdivision (c) of Section~~  
4     ~~60606.~~

5     ~~(c) The state board shall ensure that any question or content not~~  
6     ~~in compliance with Section 60614 is deleted from the~~  
7     ~~standards-based achievement test provided for in Section 60642.5.~~

8     ~~(d) If necessary to maintain the requirements of Section 60642.5,~~  
9     ~~the publisher shall replace deleted test content with revisions that~~  
10    ~~comply with Section 60614 as required by the state board pursuant~~  
11    ~~to subdivision (c).~~

12    ~~SEC. 23. Section 60648 of the Education Code is amended to~~  
13    ~~read:~~

14    ~~60648. The Exclusive of consortium summative assessments,~~  
15    ~~the Superintendent of Public Instruction shall recommend, and the~~  
16    ~~State Board of Education state board shall adopt, levels of pupil~~  
17    ~~performance standards on achievement the Measurement of~~  
18    ~~Academic Performance and Progress summative tests administered~~  
19    ~~pursuant to this article in reading, English language arts, and~~  
20    ~~mathematics at each grade level. article. The performance levels~~  
21    ~~shall identify and establish the level of performance that is deemed~~  
22    ~~to be the minimum level required for satisfactory performance in~~  
23    ~~the next grade. These levels of performance shall only be adopted~~  
24    ~~after the standards-based achievement tests have been aligned,~~  
25    ~~pursuant to paragraph (2) of subdivision (a) of Section 60643, to~~  
26    ~~the content and performance standards adopted by the State Board~~  
27    ~~of Education pursuant to subdivision (a) of Section 60605.~~  
28    ~~minimum performance required for meeting a particular~~  
29    ~~achievement level expectation. Once adopted, these standards~~  
30    ~~shall be reviewed by the state board every five years to determine~~  
31    ~~whether adjustments are necessary.~~

32    ~~SEC. 24. Section 60648.5 is added to the Education Code, to~~  
33    ~~read:~~

34    ~~60648.5. (a) The first full administration of assessments~~  
35    ~~aligned to the common core standards in English language arts~~  
36    ~~and mathematics shall occur in the 2014–15 school year unless~~  
37    ~~the state board determines that the assessments cannot be fully~~  
38    ~~implemented.~~

39    ~~(b) The department shall determine how school districts are~~  
40    ~~progressing toward implementation of a technology-enabled~~

1 *assessment system, and the extent to which the assessments aligned*  
2 *to the common core standards in English language arts and*  
3 *mathematics can be fully implemented. The department shall*  
4 *provide a report and recommendations to the state board, the*  
5 *Department of Finance, and the appropriate fiscal and policy*  
6 *committees of the Legislature on or before October 1, 2014.*

7 *(c) Based on the information in the report required under this*  
8 *section, the state board shall determine whether the state shall*  
9 *fully implement the operational consortium computer-adaptive*  
10 *summative assessments in English language arts and mathematics*  
11 *in grades 3 to 8, inclusive, and grade 11 for the 2014–15 school*  
12 *year.*

13 *SEC. 25. Section 60649 of the Education Code is repealed.*

14 ~~60649. On or before March 1, 2001, the Superintendent of~~  
15 ~~Public Instruction and the State Board of Education shall report~~  
16 ~~to the Legislature and the Governor on the status of implementation~~  
17 ~~of this chapter. The report shall include, but not be limited to, the~~  
18 ~~following:~~

19 ~~(a) Description of the actions taken to ensure full coverage of~~  
20 ~~academic content standards in assessments developed pursuant to~~  
21 ~~this chapter.~~

22 ~~(b) Identification of the types of test items designed to measure~~  
23 ~~applied academic skills, as defined in subdivision (b) of Section~~  
24 ~~60603.~~

25 ~~(c) The means by which the Superintendent of Public Instruction~~  
26 ~~and the State Board of Education determine assessments are valid,~~  
27 ~~reliable, and provide consistent year-to-year comparisons of student~~  
28 ~~progress, consistent with nationally recognized and accepted test~~  
29 ~~construction and implementation methodologies, as applicable.~~

30 ~~(d) Recommendations to improve the state's assessment system,~~  
31 ~~identifying related costs or savings, and increases or decreases in~~  
32 ~~testing time.~~

33 *SEC. 26. Section 60649 is added to the Education Code, to*  
34 *read:*

35 *60649. (a) The department shall develop a three-year plan of*  
36 *activities, with the approval of the state board, supporting the*  
37 *continuous improvement of the assessments developed and*  
38 *administered pursuant to Section 60640. The plan shall include a*  
39 *process for obtaining independent, objective technical advice and*  
40 *consultation on activities to be undertaken. Activities may include,*

1 *but not necessarily be limited to, a variety of internal and external*  
2 *studies such as validity studies, alignment studies, and studies*  
3 *evaluating test fairness, testing accommodations, testing policies,*  
4 *and reporting procedures, and consequential validity studies*  
5 *specific to pupil populations such as English learners and pupils*  
6 *with disabilities.*

7 *(b) Beginning in the school year in which the first full*  
8 *administration of the consortium computer-adaptive assessments*  
9 *in English language arts and mathematics in grades 3 to 8,*  
10 *inclusive, and grade 11 occurs, and every three years thereafter,*  
11 *the department shall contract for a three-year independent*  
12 *evaluation of the assessments. Independent evaluation reports*  
13 *shall include interim annual reports as well as a final report on*  
14 *the activities and analysis of the three-year evaluation including,*  
15 *but not necessarily limited to, recommendations to ensure the*  
16 *quality, fairness, validity, and reliability of the assessments. These*  
17 *validity studies shall take into consideration the purposes of the*  
18 *assessment system and its results, and the timeline for*  
19 *implementation of the assessments, the adoption of new curriculum*  
20 *resources, and the development and delivery of professional*  
21 *development. The department shall not contract for studies that*  
22 *duplicate studies conducted as part of a federal peer review process*  
23 *or studies conducted by any assessment contractor.*

24 *(c) The independent evaluation reports and interim annual*  
25 *reports shall be submitted to the Governor, the Superintendent,*  
26 *the state board, and the chairs of the education policy committees*  
27 *in both houses of the Legislature by October 31 each year.*

28 *(d) Notwithstanding Section 60601, this section shall become*  
29 *inoperative on July 1, 2021, and, as of January 1, 2022, is*  
30 *repealed, unless a later enacted statute, that becomes operative*  
31 *on or before January 1, 2022, deletes or extends the dates on which*  
32 *it becomes inoperative and is repealed.*

33 *SEC. 27. Section 99300 of the Education Code is amended to*  
34 *read:*

35 *99300. (a) ~~The~~ (1) Commencing with the 2014–15 school*  
36 *year and for purposes of the Early Assessment Program established*  
37 *by this chapter, the California Standards Test and the augmented*  
38 *California Standards Tests in English language arts and*  
39 *mathematics may be replaced with the grade 11 consortium*

1 *computer-adaptive assessments in English language arts and*  
2 *mathematics.*

3 (2) *The* Legislature finds and declares that in 2004, the  
4 California State University (CSU) established the Early Assessment  
5 Program (EAP), a collaborative effort among the State Board of  
6 Education, the State Department of Education, and CSU, to enable  
7 pupils to learn about their readiness for college-level English and  
8 mathematics before their senior year of high school. It is the intent  
9 of the Legislature that the office of the Chancellor of the California  
10 Community Colleges, the office of the Chancellor of the California  
11 State University, the State Board of Education, and the State  
12 Department of Education work together to modify the existing  
13 EAP to expand it to include the California Community Colleges  
14 (CCC) so that, beginning in the 2009–10 school year, high school  
15 juniors who are considering attending either system can take the  
16 EAP and receive information in the summer before their senior  
17 year concerning their preparation for college-level work at both  
18 CSU and CCC.

19 (b) It is also the intent of the Legislature that the existing EAP  
20 student notification system, as currently operated by agreement  
21 between CSU and the State Department of Education, be modified  
22 to do both of the following:

23 (1) Reassure pupils that they are eligible to attend a community  
24 college and that taking the EAP test has no bearing on their  
25 eligibility to attend a community college.

26 (2) Inform pupils of their readiness for college-level coursework  
27 in English or mathematics, or both, and recommend the next  
28 appropriate steps as they pertain to achieving success at a  
29 community college, similar to how CSU communicates with pupils  
30 who take the EAP test and are prospective CSU students.

31 (c) It is also the intent of the Legislature that the EAP be  
32 modified to include all of the following requirements:

33 (1) That the participating community college districts utilize  
34 the existing EAP secure data repository and clearinghouse for test  
35 score distribution of the ~~California Standards Test (CST) and the~~  
36 ~~augmented CST, assessment~~, as referenced in Section 60641.

37 (2) That the modified EAP not affect the statutory reporting  
38 requirements ~~of the STAR Program, provided in Section 60641,~~  
39 or increase the costs of either the ~~STAR Program assessment~~



1 *program referenced in Section 60640* or the State Department of  
2 Education.

3 (3) That the modified EAP be titled the “Early Assessment  
4 Program.”

5 *SEC. 28. Section 99301 of the Education Code is amended to*  
6 *read:*

7 99301. (a) Notwithstanding subdivision (a) of Section 78213,  
8 ~~the individual results of the California Standards Test (CST) and~~  
9 ~~the augmented CST, grade 11 assessment results~~, as referenced  
10 in Section 60641, in addition to any other ~~purposes~~ *purposes*, may  
11 be used by community college districts to provide diagnostic advice  
12 to, or for the placement of, prospective community college students  
13 participating in the EAP.

14 (b) (1) As authorized pursuant to subparagraph (B) of paragraph  
15 (3) of subdivision (a) of Section 60641, the individual ~~results of~~  
16 ~~the CST and the augmented CST, assessment results~~, as referenced  
17 in Section 60641, shall be provided to the office of the Chancellor  
18 of the California Community Colleges.

19 (2) The office of the Chancellor of the California Community  
20 Colleges shall coordinate with community college districts that  
21 choose to voluntarily participate in the EAP as follows, and, to the  
22 extent possible, shall accomplish all of the following activities  
23 using existing resources:

24 (A) Encourage community college districts to choose to  
25 voluntarily participate in the EAP and notify them of the  
26 requirements of subdivision (c), including the requirements that  
27 the standards utilized by CSU to assess readiness for college-level  
28 English and mathematics courses, as expressed in the ~~CST as~~  
29 ~~augmented by CSU, assessment referenced in Section 60641~~, shall  
30 also be used for the purposes of the EAP.

31 (B) Coordinate the progress of the program, provide technical  
32 assistance to participating community college districts pursuant  
33 to subdivision (c) as needed, identify additional reporting and  
34 program criteria as needed, and provide a report to the Legislature  
35 and Governor on or before February 15, 2015, on the  
36 implementation and results of the EAP for community college  
37 students.

38 (C) Provide access to the individual ~~test results of the CST and~~  
39 ~~the augmented CST, assessment results~~, as referenced in Section  
40 60641, to participating community college districts.

(c) For those community college districts that choose to work directly with high school pupils within their respective district boundaries who took the ~~augmented CST~~, *assessment*, as referenced in Section 60641, and choose to offer assistance to these pupils in strengthening their college readiness skills, all of the following provisions apply:

(1) The individual results of the ~~CST and the augmented CST~~, *assessment*, as referenced in Section 60641, shall be released by the office of the Chancellor of the California Community Colleges, as authorized pursuant to subparagraph (B) of paragraph (3) of subdivision (a) of Section 60641, to participating community college districts upon their request for this information and may be used to provide diagnostic advice to prospective community college students participating in the EAP.

(2) Pursuant to subparagraph (A) of paragraph (2) of subdivision (b), the same standards utilized by CSU to assess readiness shall also be used for purposes of this section.

(3) The ~~augmented CST~~ *assessment*, as referenced in Section 60641, and currently utilized by CSU for purposes of early assessment, shall be used to assess the college readiness of pupils in the EAP.

(4) Participating community college districts are encouraged to consult with the Academic Senate for the California Community Colleges to work toward sequencing their precollegiate level courses and transfer-level courses in English and mathematics to the elementary and secondary education academic content standards adopted pursuant to Section 60605.

(5) Participating community college districts shall identify an EAP coordinator and shall coordinate with CSU campuses and schools offering instruction in kindergarten and any of grades 1 to 12, inclusive, in their respective district boundaries on EAP-related activities that assist pupils in making decisions that increase their college readiness skills and likelihood of pursuing a postsecondary education.

(6) In order to provide high school pupils with an indicator of their college readiness, a community college district participating in the EAP shall use individual ~~test~~ *assessment* results provided to that college pursuant to paragraph (1) of, and subparagraph (C) of paragraph (2) of, subdivision (b) to provide diagnostic advice

1 to prospective community college students participating in the  
2 EAP.

3 (7) The individual results of the ~~augmented CST~~, *assessment*,  
4 as referenced in Section 60641 for purposes of the EAP, shall not  
5 be used by a community college as a criterion for admission.

6 (8) Participating community college districts shall utilize the  
7 existing infrastructure of academic opportunities, as developed by  
8 CSU, to provide additional preparation in grade 12 for prospective  
9 community college students participating in the EAP.

10 (d) Both of the following provisions apply to CSU:

11 (1) The individual results of the ~~CST and the augmented CST~~,  
12 *assessment*, as referenced in Section 60641, as authorized pursuant  
13 to subparagraph (B) of paragraph (3) of subdivision (a) of Section  
14 60641, shall be released to, and in addition to any other purposes  
15 may be used by, CSU to provide diagnostic advice to, or for the  
16 placement of prospective CSU students participating in the EAP.

17 (2) The individual results of the ~~augmented CST~~, *assessment*,  
18 as referenced in Section 60641 for purposes of the EAP, shall not  
19 be used by CSU as a criterion for admission.

20 *SEC. 28.5. Section 99301 of the Education Code is amended*  
21 *to read:*

22 99301. (a) Notwithstanding subdivision (a) of Section 78213,  
23 the individual results of the ~~California Standards Test (CST) and~~  
24 ~~the augmented CST~~, *grade 11 assessment results*, as referenced  
25 in Section 60641, *or a standards-aligned successor assessment*,  
26 in addition to any other ~~purposes~~ *purposes*, may be used by  
27 community college districts to provide diagnostic advice to, or for  
28 the placement of, prospective community college students  
29 participating in the EAP.

30 (b) (1) As authorized pursuant to subparagraph (B) of paragraph  
31 (3) of subdivision (a) of Section 60641, the individual ~~results of~~  
32 ~~the CST and the augmented CST~~, *assessment results*, as referenced  
33 in Section 60641, *or a standards-aligned successor assessment*,  
34 shall be provided to the office of the Chancellor of the California  
35 Community Colleges.

36 (2) The office of the Chancellor of the California Community  
37 Colleges shall coordinate with community college districts that  
38 choose to voluntarily participate in the EAP as follows, and, to the  
39 extent possible, shall accomplish all of the following activities  
40 using existing resources:

1 (A) Encourage community college districts to choose to  
2 voluntarily participate in the EAP and notify them of the  
3 requirements of subdivision (c), including the requirements that  
4 the standards utilized by CSU to assess readiness for college-level  
5 English and mathematics courses, as expressed in the ~~CST as~~  
6 ~~augmented by CSU~~, *assessment referenced in Section 60641, or*  
7 *a standards-aligned successor assessment*, shall also be used for  
8 the purposes of the EAP.

9 (B) Coordinate the progress of the program, provide technical  
10 assistance to participating community college districts pursuant  
11 to subdivision (c) as needed, identify additional reporting and  
12 program criteria as needed, and provide a report to the Legislature  
13 and Governor on or before February 15, 2015, on the  
14 implementation and results of the EAP for community college  
15 students.

16 (C) Provide access to the individual ~~test results of the CST and~~  
17 ~~the augmented CST~~, *assessment results*, as referenced in Section  
18 60641, *or a standards-aligned successor assessment*, to  
19 participating community college districts.

20 (c) For those community college districts that choose to work  
21 directly with high school pupils within their respective district  
22 boundaries who took the ~~augmented CST~~, *assessment*, as  
23 referenced in Section 60641, *or a standards-aligned successor*  
24 *assessment*, and choose to offer assistance to these pupils in  
25 strengthening their college readiness skills, all of the following  
26 provisions apply:

27 (1) The individual results of the ~~CST and the augmented CST~~,  
28 *assessment*, as referenced in Section 60641, *or a standards-aligned*  
29 *successor assessment*, shall be released by the office of the  
30 Chancellor of the California Community Colleges, as authorized  
31 pursuant to subparagraph (B) of paragraph (3) of subdivision (a)  
32 of Section 60641, to participating community college districts  
33 upon their request for this information and may be used to provide  
34 diagnostic advice to prospective community college students  
35 participating in the EAP.

36 (2) Pursuant to subparagraph (A) of paragraph (2) of subdivision  
37 (b), the same standards utilized by CSU to assess readiness shall  
38 also be used for purposes of this section.

39 (3) The ~~augmented CST assessment~~, as referenced in Section  
40 60641, and ~~currently~~ utilized by CSU for purposes of early

1 assessment, *or a standards-aligned successor assessment*, shall  
2 be used to assess the college readiness of pupils in the EAP.

3 (4) Participating community college districts are encouraged to  
4 consult with the Academic Senate for the California Community  
5 Colleges to work toward sequencing their precollegiate level  
6 courses and transfer-level courses in English and mathematics to  
7 ~~the elementary and secondary education common core~~ academic  
8 content standards adopted pursuant to Section ~~60605~~. 60605.8.

9 (5) Participating community college districts shall identify an  
10 EAP coordinator and shall coordinate with CSU campuses and  
11 schools offering instruction in kindergarten and any of grades 1  
12 to 12, inclusive, in their respective district boundaries on  
13 EAP-related activities that assist pupils in making decisions that  
14 increase their college readiness skills and likelihood of pursuing  
15 a postsecondary education.

16 (6) In order to provide high school pupils with an indicator of  
17 their college readiness, a community college district participating  
18 in the EAP shall use individual ~~test~~ *assessment* results provided  
19 to that college pursuant to paragraph (1) of, and subparagraph (C)  
20 of paragraph (2) of, subdivision (b) to provide diagnostic advice  
21 to prospective community college students participating in the  
22 EAP.

23 (7) The individual results of the ~~augmented CST~~, *assessment*,  
24 as referenced in Section 60641 for purposes of the EAP, *or a*  
25 *standards-aligned successor assessment*, shall not be used by a  
26 community college as a criterion for admission.

27 (8) Participating community college districts shall utilize the  
28 existing infrastructure of academic opportunities, as developed by  
29 CSU, to provide additional preparation in grade 12 for prospective  
30 community college students participating in the EAP.

31 (d) Both of the following provisions apply to CSU:

32 (1) The individual results of the ~~CST and the augmented CST~~,  
33 *assessment*, as referenced in Section 60641, *or a standards-aligned*  
34 *successor assessment*, as authorized pursuant to subparagraph (B)  
35 of paragraph (3) of subdivision (a) of Section 60641, shall be  
36 released to, and in addition to any other purposes may be used by,  
37 CSU to provide diagnostic advice to, ~~or for~~ *for*, the placement of  
38 prospective CSU students participating in the EAP.

39 (2) The individual results of the ~~augmented CST~~, *assessment*,  
40 as referenced in Section 60641 for purposes of the EAP, *or a*

1 *standards-aligned successor assessment*, shall not be used by CSU  
2 as a criterion for admission.

3 *SEC. 29. Section 28.5 of this bill incorporates amendments to*  
4 *Section 99301 of the Education Code proposed by both this bill*  
5 *and Senate Bill 490. It shall only become operative if (1) both bills*  
6 *are enacted and become effective on or before January 1, 2014,*  
7 *(2) each bill amends Section 99301 of the Education Code, and*  
8 *(3) this bill is enacted after Senate Bill 490, in which case Section*  
9 *28 of this bill shall not become operative.*

10  
11  
12 **All matter omitted in this version of the bill**  
13 **appears in the bill as amended in the**  
14 **Senate July 3, 2013. (JR11)**  
15